

35TH REGULAR CITY COUNCIL MEETING

NOVEMBER 1, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, November 1, 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 # 1481 – Present: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

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 October 28, 2016, notice re: Pre-Council and Regular City Council Meetings, November 1, 2016.

CCID # 1482 – From Chair on File

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

WHENEVER ANY PERSON HAS BEEN INVITED TO SPEAK, OR HAS BEEN GRANTED THE OPPORTUNITY OF SPEAKING BEFORE THE COUNCIL DURING A HEARING, EACH PERSON WILL BE REQUESTED TO BE BRIEF, AND TO LIMIT HIS OR HER PRESENTATION TO TEN MINUTES. WHEN MORE THAN ONE PERSON WISHES TO ADDRESS THE COUNCIL ON A GIVEN QUESTION, THE PROPONENTS WILL BE GIVEN THE OPPORTUNITY OF FIRST ADDRESSING THE COUNCIL. THE OPPONENTS OF THE QUESTION WILL BE GIVEN THE OPPORTUNITY TO SPEAK AFTER THE PROPONENTS' PRESENTATION. THE PROPONENTS WILL BE GIVEN A BRIEF PERIOD FOR REBUTTAL OF ANY NEW MATERIAL INTRODUCED DURING THE OPPONENT'S PRESENTATION, AFTER WHICH THE PUBLIC HEARING WILL BE CONCLUDED. IT IS CITY COUNCIL PROCEDURE THAT EACH SIDE RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

ORDINANCE ON SECOND READING RE: BONDS

5. Ord. authorizing and directing an issue of general obligation bonds and an issue of general obligation refunding bonds of the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$95,300,000 to be termed for identification purposes “Various Purpose and Refunding Bonds, Series 2016A” and “General Obligation Refunding Bonds, Series 2016B,” respectively; prescribing the form of said bonds; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City of Omaha and certain sanitary and improvement districts annexed by the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$72,500,000; directing the Finance Department to give notices of such defeasance and redemption; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, a Paying Agent and a Registrar; approving the selections of an underwriter and an escrow verification agent; directing that said bonds shall initially be issued and registered in book-entry form; providing for continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said bonds; and, providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1478 – October 25 Meeting)

CCID # 1478 – Public hearing has held today – Final reading set for November 8, 2016 as per City Charter requirements.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

6. Ord. to rezone the properties located at 1103 and 1105 South 13th Street from HI-Heavy Industrial District to NBD-Neighborhood Business District (properties are also located within an existing ACI-1(50) Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1421 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Sean Kelley, 7134 Pacific Street, Attorney for the applicant, appeared and spoke.

CCID # 1421 – Motion by Festersen that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40910 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 1103 and 1105 South 13th Street from HI to NBD (properties are also located within an existing ACI-1(50) Overlay District) – [see attached](#).
(See Doc. # 1421 – October 18 Meeting)

1421 – From Chair on File

7. Ord. to rezone the properties located at 1419, 1423 and 1425 South 13th Street from GI-General Industrial District to NBD-Neighborhood Business District (properties are also located within an existing ACI-1(50) Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1422 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Sean Kelley, 7134 Pacific Street, Attorney for the applicant, appeared and spoke.

CCID # 1422 – Motion by Festersen that the Ordinance be passed
Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40911 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 1419, 1423 and 1425 South 13th Street from GI to NBD (properties are also located within an existing ACI-1(50) Overlay District) – [see attached](#).
(See Doc. # 1422 – October 18 Meeting)

1422 – From Chair on File

8. Ord. to rezone the property located at 2018 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1423 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1423 – Motion by Jerram that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40912 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2018 Poppleton Avenue from GI to R5 – [see attached](#).
(See Doc. # 1423 – October 18 Meeting)

1423 – From Chair on File

9. Ord. to rezone the property located east of the 33rd and Emmet Street intersection from R4(35)-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1424 – October 18 and October 25 Meetings)

Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1424 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40913 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located east of the 33rd and Emmet Street intersection from R4(35) to R4 – [see attached](#).
(See Doc. # 1424 – October 18 Meeting)

1424 – From Chair on File

10. Ord. to rezone the property located at 3821 Chicago Street from R3-Single-Family Residential District (Medium Density) to R5-Urban Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1425 – October 18 and October 25 Meetings)

Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1425 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40914 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 3821 Chicago Street from R3 to R5 – [see attached](#).
(See Doc. # 1425 – October 18 Meeting)

1425 – From Chair on File

11. Ord. to rezone the property located at 3827 South 42nd Street from RR-Railroad District to HI-Heavy Industrial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1426 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Patrick Sullivan, 1246 Golden Gate Drive, Attorney for the applicant, appeared and spoke.

CCID # 1426 – Motion by Gernandt that the Ordinance be passed
Seconded by Jerram

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40915 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 3827 South 42nd Street from RR to HI – [see attached](#).
(See Doc. # 1426 – October 18 Meeting)

1426 – From Chair on File

12. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 9801 West Center Road; and, to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1427 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Michael Coyle, 500 Energy Plaza, Attorney for Westside Community Schools, appeared and spoke.

CCID # 1427 – Motion by Thompson that the Ordinance be passed
Seconded by Jerram

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40916 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 9801 West Center Road – [see attached](#).
(See Doc. # 1427 – October 18 Meeting)

1427 – From Chair on File

13. Ord. to rezone property located at 11220 Blondo Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1428 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1428 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40917 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 11220 Blondo Street from DR to R4 – [see attached](#).
(See Doc. # 1428 – October 18 Meeting)

1428 – From Chair on File

14. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 1010 South 144th Street; and, to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1429 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1429 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40918 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 1010 South 144th Street – [see attached](#).
(See Doc. # 1429 – October 18 Meeting)

1429 – From Chair on File

- 15. Ord. to rezone property located at 16317 "C" Street from DR-Development Reserve District to R3-Single-Family Residential District (Medium Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1430 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1430 – Motion by Melton that the Ordinance be passed
Seconded by Thompson
ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40919 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 16317 "C" Street from DR to R3 – [see attached](#).
(See Doc. # 1430 – October 18 Meeting)

1430 – From Chair on File

- 16. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Lakeside Plaza (Lakeside Hills), to allow for Automotive rentals, located at 2571 South 171st Street between the City of Omaha and LSP2, LLC, providing site development standards; and, to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1431 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Michael Douglas, 6144 NW 11th Street, Lincoln, Nebraska, for Hertz Rental, appeared and spoke.

CCID # 1431 – Motion by Thompson that the Ordinance be passed
Seconded by Melton
ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40920 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request of a Major Amendment to a Mixed Use District Development Agreement for Lakeside Plaza (Lakeside Hills), to allow for Automotive rentals, located at 2571 South 171st Street – [see attached](#).
(See Doc. # 1431 – October 18 Meeting)

1431 – From Chair on File

17. Ord. to rezone property located northwest of 192nd Street and West Maple Road from AG-Agricultural District to R3-Single-Family Residential District (Medium Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1432 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

John Fullenkamp, 11440 West Center Road, Attorney for the applicant, appeared and spoke.

CCID # 1432 – Motion by Jerram that the Ordinance be passed
Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40921 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located northwest of 192nd Street and West Maple Road from AG to R3 (Outside City) – [see attached](#).
(See Doc. # 1432 – October 18 Meeting)

1432 – From Chair on File

18. Res. that the plat entitled INDIAN CREEK LANDINGS 2 located northwest of 192nd Street and West Maple Road is hereby approved and accepted – Outside City – over from 10/18/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1433 – October 18 Meeting)

John Fullenkamp, 11440 West Center Road, Attorney for the applicant, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1433 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommended approval of the final plat of INDIAN CREEK LANDINGS 2 located northwest of 192nd Street and West Maple Road – Outside City – over from 10/18/16 – [see attached](#).
(See Doc. # 1433 – October 18 Meeting)

1433 – From Chair on File

19. Res. that, the Subdivision Agreement among the City of Omaha, Gottsch Land Co., a Nebraska corporation, the Indian Creek Landing Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 404 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 Indian Creek Landings 2 (Lots 1-44 and Outlots A-B) and is located northwest of 192nd Street and West Maple Road – over from 10/18/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1437 – October 18 Meeting)

John Fullenkamp, 11440 West Center Road, Attorney for the applicant, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1437 - ADOPTED 7-0

20. Ord. to rezone property located at 4626 North 208th Street from DR-Development Reserve District and R4-Single-Family Residential District (High Density) to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1434 – October 18 and October 25 Meetings)

Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, appeared and spoke.

CCID # 1434 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40922 - PASSED 7-0

21. Ord. to rezone property located at 4810 North 208th Avenue from DR-Development Reserve District and R4-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1435 – October 18 and October 25 Meetings)
Notice of public hearing on November 1, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, appeared and spoke.

CCID # 1435 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40923 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone properties located at 4626 North 208th Street and 4810 North 208th Avenue from DR-Development Reserve District and R4-Single-Family Residential District (High Density) to DR-Development Reserve District and R4-Single-Family Residential District (High Density) – [see attached](#).
(See Doc. # 1435 – October 18 Meeting)

1435 – From Chair on File

RESOLUTIONS RE: PRELIMINARY PLATS & PLATS

22. Res. that the preliminary plat entitled 32 CALIFORNIA, located southeast of 32nd and California Streets, with a request for a waiver of Section 53-8(4)(a) of the Omaha Municipal Code for Lot depth, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 10/18/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1403 – October 18 Meeting)

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

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
RESOLUTION # 1403 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of 32 CALIFORNIA, with a waiver of Section 53-8(4)(a) of the Omaha Municipal Code for Lot depth, located southeast of 32nd and California Streets – Inside City – over from 10/18/16 – [see attached](#).
(See Doc. # 1403 – October 18 Meeting)

1403 – From Chair on File

23. Res. that the preliminary plat entitled RANCH VIEW ESTATES REPLAT 3, located southeast of 214th and Pacific Streets, 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))

Motion by Melton that the Resolution be adopted
Seconded by Gray
ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
RESOLUTION # 1492 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of RANCH VIEW ESTATES REPLAT 3, located southeast of 214th and Pacific Streets – Outside City – [see attached](#).

1492 – From Chair on File

24. Res. that the replat transmitted herewith entitled RANCH VIEW ESTATES REPLAT 3, located southeast of 214th and Pacific Streets, is hereby approved, and concurrently a portion of the existing plats entitled Ranch View Estates, Ranch View Estates Replat 1 and Ranch View Estates Replat 2, and described on said replat, are hereby vacated – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1493 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of RANCH VIEW ESTATES REPLAT 3, located southeast of 214th and Pacific Streets – Outside City – [see attached](#).

1493 – From Chair on File

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD NOVEMBER 15, 2016 AGENDA ITEM NOS. 25 THROUGH 29 SHALL BE LAID OVER THREE WEEKS TO NOVEMBER 22, 2016 FOR PUBLICATION AND PUBLIC HEARING”

25. Res. that the preliminary plat entitled LOCUST GLEN SECOND ADDITION, located northwest of 19th and Corby Streets, with a request for a waiver of Section 53-8(4)(a) for Lot depth, attached hereto and made a part hereof as Exhibit “A”, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on November 22, 2016 published in the Daily Record on November 4, 2016.

CCID # 1489 – Over three weeks to November 22, 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 LOCUST GLEN SECOND ADDITION with a waiver of Section 53-8(4)(a) of the Omaha Municipal Code for Lot depth, located northwest of 19th and Corby Streets – Inside City – [see attached](#).

1489 – Over to 11/22/16

26. Res. that the preliminary plat entitled AKSARBEN VILLAGE REPLAT 16, located northeast of 67th and Frances Streets, 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 November 22, 2016 published in the Daily Record on November 4, 2016.

CCID # 1504 – Over three weeks to November 22, 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 AKSARBEN VILLAGE REPLAT 16, located northeast of 67th and Frances Streets – Inside City – [see attached](#).

1504 – Over to 11/22/16

27. Res. that the replat transmitted herewith entitled AKSARBEN VILLAGE REPLAT 16, located northeast of 67th and Frances Streets, is hereby approved, and concurrently a portion of the existing plat entitled Aksarben Village Replat 12, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on November 22, 2016 published in the Daily Record on November 4, 2016.

CCID # 1505 – Over three weeks to November 22, 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 AKSARBEN VILLAGE REPLAT 16, located northeast of 67th and Frances Streets – Inside City – [see attached](#).

1505 – Over to 11/22/16

28. Res. that the preliminary plat entitled PINWOOD SOUTH, located southwest of 120th Street and Skylark Drive, along with the attached condition, 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 November 22, 2016 published in the Daily Record on November 4, 2016.

CCID # 1490 – Over three weeks to November 22, 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 PINWOOD SOUTH, located southwest of 120th Street and Skylark Drive – Inside City – [see attached](#).

1490 – Over to 11/22/16

29. Res. that the preliminary plat entitled WEST DODGE POINTE REPLAT 2, located northwest of 168th Street and West Dodge Road, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – (Partially Inside and Partially Outside the City Limits) – [see attached](#).

Notice of public hearing on November 22, 2016 published in the Daily Record on November 4, 2016.

CCID # 1491 – Over three weeks to November 22, 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 WEST DODGE POINTE REPLAT 2, a minor plat with portions partially inside and partially outside the city limits, located northwest of 168th Street and West Dodge Road – (Partially Inside and Partially Outside the City Limits) – [see attached](#).

1491 – Over to 11/22/16

* * * * *

SPECIAL USE PERMIT – CUSTOM MANUFACTURING

30. Res. that the Special Use Permit application submitted by MJ Construction 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 4829 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 10/18/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1407 – October 18 Meeting)

Gary Norton, 7117 Farnam Street #27, Attorney for the applicant, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1407 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of MJ Construction 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 4829 South 136th Street – over from 10/18/16 – [see attached](#).
(See Doc. # 1407 – October 18 Meeting)

1407 – From Chair on File

LIQUOR

31. CLASS "C" – Lombardo's, Inc., dba "Lombardo's Bistro & Bar", 13110 Birch Drive #100. New application, Old location. UPGRADE. Present licensee is Mariobella Enterprises, LLC, dba "Zurlo's Bistro Italiano", 13110 Birch Drive, Suite 100, 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))

Rich Bartmiller, Bartmiller Consulting Group, 16024 Franklin Street, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1483 - ADOPTED 7-0

32. CLASS "I" – Pig and Sam Holdings, LLC, dba "Geno's Bar & Grill", 3821 North 167th Court, Suites 160 & 165. New application, Old location. Present licensee is GBNS, Inc., dba "Geno's Bar and Grill", 3821 North 167th Court, Suites 160 & 165, 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))

Stacey Meade, Geno's Bar & Grill, 3821 North 167th Court, Suites 160 & 165, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1484 – ADOPTED 7-0

33. Schroeder, Kenneth C., dba “The Diner”, 409 South 12th Street, requests permission for an addition to their present Class “I” Liquor License location of an outdoor deck area approx. 16’ x 24’ to the north. Property posted: 09-14-16; Notification sent: 10-21-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Kenneth C. Schroeder, The Diner, 409 South 12th Street, appeared and spoke.

CCID # 1485 – Application read

Motion by Jerram that the request be APPROVED AS AMENDED contingent upon their compliance with the City of Omaha Planning Department and proper permits obtained

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

- (a) Communication from Kenneth C. Schroeder, president of “The Diner”, 409 South 12th Street, requesting to amend the application for an addition to their present Class “I” Liquor License to include an outdoor area approx. 67’ x 20’ to the west, and the storage/auxiliary kitchen area approx. 24’ x 8’ and to correct the entire addition to read as an outdoor area, deck and storage/auxiliary kitchen approx. 67’ x 48’ to the north and west – [see attached](#).

1485 – Motion by Pahls that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (b) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: Schroeder, Kenneth C., dba “The Diner”, 409 South 12th Street, for an addition – [see attached](#).

1485 – From Chair on File

34. Blazin Wings, Inc., dba “Buffalo Wild Wings Grill & Bar #27”, 4287 South 144th Street, requests permission to appoint Nicole D. Bartalini manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Nicole Bartalini, Buffalo Wild Wings Grill & Bar #27, 4287 South 144th Street, appeared and spoke.

CCID # 1486 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

35. Jerona, Inc., dba “JD’s Circle Inn”, 3602 South 31st Street, requests permission to appoint Kelly M. Hurley manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 1487 – Motion by Gernandt that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

36. United Holding Group, LLC, dba “Pitch Coal-Fire Pizzeria”, 5021 Underwood Avenue, requests permission to appoint Marcus A. Hebert manager of their present Class “C” and Catering Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Marcus Hebert, Pitch Coal-Fire Pizzeria, 5021 Underwood Avenue, appeared and spoke.

CCID # 1488 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

37. PACKAGE – SNJ, Inc., dba “Tobacco Hut #19”, 6206 Ames Avenue. New application, New location. Property posted: 10-12-16; Notification sent: 10-14-16 – over from 10/25/16 and continue the public hearing – [see attached](#).
(See Doc. # 1451 – October 25 Meeting)
((PUBLIC HEARING ON THE APPLICATION CONTINUED TO TODAY – YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPONENT: Mike Kelley, 7134 Pacific Street, Attorney for the applicant
OPPONENT: Pamela Duncan, Ames-Benson Neighborhood Association,
6302 Taylor Circle
FOR THE CITY: Marcia West, Captain, Omaha Police Department
William Acosta-Trejo, Assistant City Attorney
Buster Brown, City Clerk

CCID # 1451 – Motion by Thompson that the Resolution to GRANT be adopted
Seconded by Gernandt

ROLL CALL:

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

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Councilmember Jerram passed due to potential conflict of interest
Motion LOST 3-3-1 PASS

Motion by Festersen that the Resolution to DENY be adopted
Seconded by Gray

ROLL CALL:

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

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Councilmember Jerram passed due to potential conflict of interest
Motion LOST 3-3-1 PASS

- (a) Communication from Dayspring Ministries Christian Center, opposing the application of SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – over from 10/25/16 – [see attached](#).
(See Doc. # 1451 – October 25 Meeting)

1451 – From Chair on File

- (b) Communication from Ames-Benson Neighborhood Association re: SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – over from 10/25/16 – [see attached](#).
(See Doc. # 1451 – October 25 Meeting)

1451 – From Chair on File

- (c) Communication from New Rising Star Missionary Baptist Church, opposing the application of SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – over from 10/25/16 – [see attached](#).
(See Doc. # 1451 – October 25 Meeting)

1451 – From Chair on File

- (d) Communication from Buster Brown, City Clerk re: SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – over from 10/25/16 – [see attached](#).
(See Doc. # 1451 – October 25 Meeting)

1451 – From Chair on File

- (e) Documentation submitted by Mike Kelley, Attorney for the applicant, SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – [see attached](#).

1451 – From Chair on File

- (f) Documentation submitted by Captain Marcia West, Omaha Police Department, re: SNJ, Inc., dba "Tobacco Hut #19", 6206 Ames Avenue, for a Package Liquor License – [see attached](#).

1451 – From Chair on File

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. 38 through 43 were held on October 25, 2016.)

CONSENT AGENDA – ORDINANCES

38. Ord. to approve a Redevelopment Agreement, which includes the purpose of the proposed redevelopment project for the general benefit and welfare of the City at large, whereby the City, with the Board of Regents of the University of Nebraska, by and on behalf of its administrative unit, the University of Nebraska Medical Center, through their joint efforts, propose the redevelopment of an approximately 3.8 acre area bounded by Emile Street on the north, 41st Street on the east, Leavenworth Street on the south, and 42nd Street on the west; and, providing for an effective date – [see attached](#).
(See Doc. #1436 – October 18 and October 25 Meetings)
Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1436 – Motion by Jerram that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40924 - PASSED 7-0

39. Ord. to approve a contract between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, up to four Associate School Resource Officers, one Canine Associate School Resource Officer, and marked police cruisers, subject to the availability of such cruisers and the School District's needs, to specifically designated locations, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty-eight (28) hours (or less) per week while school is in session during the regular school year, and twenty-eight (28) hours per week while school is in session during the regular school year for the Canine Associate SRO, from August 10, 2016 and ending at the close of the 2016 – 2017 school year. The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$31.00 per hour for each officer; \$36.00 per hour for the canine officer; and \$5.00 per day for the canine officer when school is not in session (summer break); and, to provide for an effective date hereof – [see attached](#).

(See Doc. #1388 – October 18 and October 25 Meetings)

Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1388 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40925 - PASSED 7-0

40. Ord. to approve a contract between the City of Omaha and Omaha Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of South High School located at 4519 South 24th Street; North High School located at 4410 North 36th Street; Benson High School located at 5120 Maple Street; Blackburn Alternative School located at 3030 Spaulding Street; Central High School located at 124 North 20th Street; Northwest High School located at 8204 Crown Point; Monroe Middle School located at 5101 Bedford Avenue; Norris Middle School located at 2235 South 46th Street; McMillan Magnet Center located at 3802 Redick Avenue; and Burke High School located at 12200 Burke Boulevard; and one uniformed K-9 certified police officer as a School Resource Officer and a canine dog to be available at any of the School District's High Schools, Middle Schools, or Alternative Schools, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work within the District each day that school is in session during the regular school year ½ hour prior to the start of classes until ½ hour after classes are dismissed, or as otherwise directed by the school principal, not to exceed a 7.5 hour school day, from the first day of the semester of August, 2016, and expiring on July 31, 2019; reimbursement from the Omaha Public Schools to the City will be in the amount of \$1,638,468.00 for the ten officers and \$163,846.80 for the K-9 SRO, in addition to Omaha Public Schools being responsible for other costs related to the canine; and, to provide an effective date hereof – [see attached](#).

(See Doc. #1389 – October 18 and October 25 Meetings)

Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1389 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40926 - PASSED 7-0

41. Ord. to approve a contract between the City of Omaha and Omaha Public Schools for the City to provide, through its assignment, up to eleven Associate School Resource Officers and marked police cruisers, subject to the availability of such cruisers and the School District's needs, to specifically designated locations, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work within the District with each Associate School Resource Officer working no more than 28 hours per week while school is in session during the regular school year, from the first day of the semester of August, 2016 and ending on July 31, 2017; reimbursement from the Omaha Public Schools to the City will be in the amount of \$31.00 per hour for each officer; and, to provide an effective date hereof – [see attached](#).
(See Doc. #1390 – October 18 and October 25 Meetings)
Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1390 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40927 - PASSED 7-0

42. Ord. to approve a contract between the City of Omaha and Westside Community Schools for the City to provide, through its assignment, two uniformed police officers and marked police cars to the premises of Westside High School located at 87th and Pacific Streets, and Westside Middle School located at 8601 Arbor Street, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property each day that school is in session during the regular school year ½ hour prior to the start of classes until ½ hour after classes are dismissed, not to exceed a 7.5 hour school day, from August 10, 2016 and ending at the close of the 2018 – 2019 school year; the reimbursement payment from the Westside Community Schools to the City will be in the amount of \$327,693.60 for the two officers for the three years; and, to provide for an effective date hereof – [see attached](#).
(See Doc. #1391 – October 18 and October 25 Meetings)
Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1391 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40928 - PASSED 7-0

43. Ord. to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Project Manager with a salary range of 19.1 MC (\$65,038 to \$78,857); to repeal Section 23-177 as heretofore existing; and, to provide the effective date hereof – [see attached](#).

(See Doc. #1393 – October 18 and October 25 Meetings)

Notice of public hearing on October 25, 2016 published in the Daily Record on October 21, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

CCID # 1393 – Motion by Jerram that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40929 - PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 44 through 52 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

44. Res. that, as recommended by the Mayor, Change Order No. 6 to Linhart Construction Company for the reconstruction of the wall at 144th Street and Q Street on OPW 52910, being the Brick Restoration Various Locations Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$36,940.00 for this change order from the Street and Highway Allocation Fund 12131, Residential Brick Street Repair Organization 116122, year 2016 expenditure and be 100% reimbursed to said account by the Metropolitan Utilities District – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1494 - ADOPTED 7-0

45. Res. that, as recommended by the Mayor, Change Order No. 2 to Swain Construction, Inc. for the pavement repairs to 72nd and J Streets for OPW 52911, being the Emergency Concrete Pavement Repair Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$187,064.47 for this change order from the Capital Assessment Fund 13573, Special Assessments Organization 116168 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1495 - ADOPTED 7-0

46. Res. that, as recommended by the Mayor, the contract with Prairie Construction Company for OPW 53020, being the Elkhorn Joint Use Facility Salt Shed Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$1,103,000.00 for OPW 53020 from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1496 - ADOPTED 7-0

47. Res. that, as recommended by the Mayor, the Agreement for Statewide 2016 Fracture Critical Bridge Inspections and load re-rating services between the City of Omaha and Nebraska Department of Roads (NDOR) known as STP-NBIS (106), State Control No. 00953, and OPW 52785, being the “Q” Street bridge between 26th Street and 27th Street, with an estimated cost to the City of \$122.56, to be paid from the Street and Highway Allocation Fund 12131, Bridge Maintenance Organization 116164, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1497 - ADOPTED 7-0

48. Res. that, as recommended by the Mayor, the attached bids with Cockerill Enterprises, Inc.; DPS, LLC; Fucinaro Excavating Co., Inc.; Sean Negus Construction, LLC; Pink Grading, Inc.; and Melvin Sudbeck Homes, to furnish wheel loaders and snow hauling equipment services within the City of Omaha for the 2016-2017 winter season, are hereby accepted and the Finance Department is authorized to pay the cost 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: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

RESOLUTION # 1499 - ADOPTED 7-0

49. Res. that, as recommended by the Mayor, the Program Agreement with the Nebraska Department of Roads for expansion of Omaha's bicycle sharing system, known as Federal Project CMAQ-28(121), State Control No. 22694, with Federal funds to cover \$930,327.00, and the remaining \$232,582.00 covered by a grant from the Nebraska Environmental Trust, and the City designating Derek Miller as the Responsible Charge, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1498 - ADOPTED 7-0

50. Res. that, as recommended by the Mayor, the invoice of WorkForce Software, Inc., in the total amount of \$94,884.00 to secure maintenance for the EmpCenter Time and Attendance system for a period from October 25, 2016 to October 24, 2017, is hereby accepted; and, the purchasing agent is authorized to issue a purchase order therefor. The Finance Department is authorized to pay the cost from Budget Year 2016, General Fund 11111, General Expense 119014 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1509 - ADOPTED 7-0

51. Res. that, as recommended by the Mayor, Rabble, LLC submitted a proposal for MUSICat, administrative and content management tools used to create a digital collection of local music, which includes a custom domain, an introduction to administrative tools, media hosting and troubleshooting, design exports of metadata to cataloging team specifications or provide exports of standard marc records is hereby approved; and, the Finance Department is authorized to pay the \$34,000.00 cost thereof from the Library's General Fund 11111, Organization 117016, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1508 - ADOPTED 7-0

52. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Completely KIDS in the amount of ten thousand dollars (\$10,000.00) to operate the CK26 Program from January 1, 2017 to December 31, 2017, incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of ten thousand dollars (\$10,000.00) from 2017 Community Services, Keno/Lottery Proceeds 12118, Organization 126066; and, in accordance with the contract terms – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1500 - ADOPTED 7-0

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

* * * * *

ORDINANCE ON FINAL READING

53. Ord. to amend Omaha Municipal Code Chapter 11 by adding a new Article X entitled "Mobile Food Vendors," consisting of new sections 11-331 through 11-341; to regulate, and require licenses for, mobile food vendors; and, to provide the effective date thereof – over from 10/18/16 – [see attached](#). ((PUBLIC HEARING HELD 9/27/16 AND 10/18/16 – CAN BE PASSED TODAY))
(See Doc. # 1290 – September 20, September 27 and October 18 Meetings)
Notice of public hearing on September 27, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on November 1, 2016 published in the Daily Record on November 9, 2016.

Alan Thelen, Assistant City Attorney, appeared and spoke.

CCID # 1290 – Ordinance read

Motion by Festersen that the Ordinance be PASSED AS AMENDED

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40930 - PASSED AS AMENDED 7-0

- (a) Amendment requested by the Administration – [see attached](#).

1290 – Motion by Festersen that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (b) Documentation submitted by Mike Moylan, of Shamrock Development, re: the proposed food truck ordinance – over from 10/18/16 – [see attached](#).
(See Doc. # 1290 – September 27 and October 18 Meetings)

1290 – From Chair on File

- (c) Communications opposing the proposed food truck ordinance – over from 10/18/16 – [see attached](#).
(See Doc. # 1290 – September 27 and October 18 Meetings)

1290 – From Chair on File

- (d) Amendment requested by Councilmember Festersen – [see attached](#).

1290 – Motion by Festersen that the Amendment be approved
Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

ORDINANCE ON SECOND READING and Planning Board Attachment

54. Ord. vacating 11th Street right-of-way lying in Douglas County, Nebraska beginning at the Northeast corner of Lot 8, Block 221, City of Omaha; extending South approximately 30 feet; thence East approximately 100 feet; thence North to the Northwest corner of Lot 5, Block 220, City of Omaha, thence Northeast at a diagonal approximately 103 feet to the point of beginning, in the Original City of Omaha; and, providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1473 – October 25 Meeting)

CCID # 1473 – Public hearing was held today – Final reading set for November 8, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of the 11th Street right-of-way beginning at the northeast corner of Lot 8, Block 221, extending south approximately 30 feet; thence east approximately 100 feet; thence north to the northwest corner of Lot 5, Block 220; thence northeast at a diagonal approximately 103 feet to the point of beginning – Inside City – [see attached](#).
(See Doc. # 1473 – October 25 Meeting)

1473 – Over to 11/8/16

ORDINANCES ON SECOND READING

55. Ord. to approve the execution of a Master Agreement for Use of Public Right-of-Way between the City of Omaha and Mobilitie, LLC (“Mobilitie”), providing for Mobilitie’s usage of street light poles and other utility poles in City right of way for microcell wireless antennas; and, to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1474 – October 25 Meeting)

Christy Eichorn, Mobilitie, LLC, 7824 Sycamore, Lincoln, Nebraska, appeared and spoke.

CCID # 1474 – Public hearing was held today – Final reading set for November 8, 2016 as per City Charter requirements.

56. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and 3700 Dewey Street LLC, a Nebraska limited liability company, to implement the 3700 Dewey Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 3625 Dewey Avenue which proposes the new construction of a single, 3-story structure consisting of 24 market-rate apartment units with garage parking stalls; the agreement authorizes the use of up to \$580,200.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and, providing for an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1475 – October 25 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

CCID # 1475 – Public hearing was held today – Final reading set for November 8, 2016 as per City Charter requirements.

57. Ord. to accept the bid of Nebraska’s Best Lawn & Landscape, LLC in the annual amount of \$30,310.00, involving appropriations of more than one year as provided in Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; for the provision of snow removal at Police facilities for a period of three years; with two additional one year options held by the City at the same price; to authorize the Finance Department to make payments from a specified account to Nebraska’s Best Lawn & Landscape, LLC for the cost of snow removal in accordance with the specifications; and, to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1476 – October 25 Meeting)

CCID # 1476 – Public hearing was held today – Final reading set for November 8, 2016 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD NOVEMBER 15, 2016
THE THIRD READING AND PUBLIC HEARINGS ON
AGENDA ITEM NOS. 58 THROUGH 66 SHALL BE HELD ON NOVEMBER 22, 2016”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

58. Ord. to rezone the property located at 2603 X Street from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density).

CCID # 1514 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2603 X Street from HI to R4 – [see attached](#).

1514 – Over to 11/22/16

59. Ord. to rezone the property located at 3822 Chicago Street from R3-Single-Family Residential District (Medium Density) to R5-Urban Family Residential District.

CCID # 1513 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 3822 Chicago Street from R3 to R5 – [see attached](#).

1513 – Over to 11/22/16

60. Ord. to rezone the property located northwest of 38th and Leavenworth Streets from GC-General Commercial District to NBD-Neighborhood Business District (property is also within an ACI-1(PL)-Area of Civic Importance Overlay District).

CCID # 1501 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located northwest of 38th and Leavenworth Streets from GC to NBD (property is also within an ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).

1501 – Over to 11/22/16

61. Ord. to approve a PUR-Planned Unit Redevelopment Overlay District in a NBD-Neighborhood Business District (property is also within an ACI-1(PL)-Area of Civic Importance Overlay District), located northwest of 38th and Leavenworth Streets, to approve the Development Plan, and to provide for an effective date – [see attached](#).

CCID # 1502 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a PUR-Planned Unit Redevelopment Overlay District in a NBD District (property is also located within an ACI-1(PL)-Area of Civic Importance Overlay District), located northwest of 38th and Leavenworth Streets – [see attached](#).

1502 – Over to 11/22/16

62. Ord. to rezone the property located at 4909 Underwood Avenue from R8-High-Density Multiple-Family Residential District to NBD-Neighborhood Business District (property is also located within an existing NCE-C Neighborhood Conservation Overlay District).

CCID # 1512 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 4909 Underwood Avenue from R8 to NBD (the property is also located within an existing NCE-C Neighborhood Conservation Overlay District) – [see attached](#).

1512 – Over to 11/22/16

63. Ord. to rezone property located at 6018 Holmes Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density).

CCID # 1511 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 6018 Holmes Street from DR to R4 – [see attached](#).

1511 – Over to 11/22/16

64. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Aksarben Village, located northeast of 67th and Frances Streets, between the City of Omaha and Noddle Bradford VI, LLC, providing site development standards; and, to provide for an effective date – [see attached](#).

CCID # 1503 – Publication to be made and public hearing and third reading to be held on November 22, 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 Aksarben Village, located northeast of 67th and Frances Streets – [see attached](#).

1503 – Over to 11/22/16

65. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the properties located at 8504, 8506 and 8514 Cass Street; and, to provide for an effective date – [see attached](#).

CCID # 1510 – Publication to be made and public hearing and third reading to be held on November 22, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the properties located at 8504, 8506 and 8514 Cass Street – [see attached](#).

1510 – Over to 11/22/16

66. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Walnut Grove Plaza to allow Indoor sports and recreation, located at 15370 Weir Street between the City of Omaha and West Bay, Inc., providing site development standards; and, to provide for an effective date – [see attached](#).

CCID # 1506 – Publication to be made and public hearing and third reading to be held on November 22, 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 Walnut Grove Plaza to allow for Indoor sports and recreation, located at 15370 Weir Street – [see attached](#).

1506 – Over to 11/22/16

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARING ON AGENDA ITEM NO. 67
SHALL BE HELD ON THE SECOND READING”**

ORDINANCE ON FIRST READING and Planning Board Attachment

67. Ord. vacating 207th Street (formerly known as Hillcrest Street/207th Plaza) from Glenn Street extending northerly 736.86 feet to the previously vacated right-of-way located in the Southwest Quarter of the Northeast Quarter, Section 12, Township 15 North, Range 10 East of the 6th P.M. Douglas County, Nebraska and providing the effective date hereof – [see attached](#).

CCID # 1507 – Publication to be made and public hearing to be held on November 8, 2016 as per City Charter requirements.

(a) Planning Board and Planning Department recommend approval of the vacation of 207th Street (formerly known as Hillcrest Street/207th Plaza) from Glenn Street north to previously vacated right-of-way (adjacent to Elkhorn Middle School) – Inside City – [see attached](#).

1507 – Over to 11/8/16

* * * * *

EXECUTIVE SESSION

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

Motion Carried 7-0

ADJOURNED: 3:07 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 November 1, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 3RD DAY OF NOVEMBER, 2016.