CITY COUNCIL AGENDA FOR FEBRUARY 10, 2009

LEGISLATIVE CHAMBERS - 2:00 P.M.

Agenda and Link to Agenda Items
Available at http://www.ci.omaha.ne.us

ROLL CALL

1. City Clerk calls the roll.

2. Pledge of Allegiance.

3. Invocation by Dr. Mark Hannemann, Senior Pastor at Divine Shepherd Lutheran Church, introduced by Councilmember James Suttle of District No. 1.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on February 6, 2009, notice re: Pre-Council and Regular City Council Meetings, February 10, 2009.

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 RECEIVE TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.
5. Ord. to rezone property located Southeast of 30th Street and Sorensen Parkway from R5(35)-Urban Family Residential District and GI-General Industrial District to CC-Community Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(a) Planning Board and Planning Department recommends approval of a request to rezone property located Southeast of 30th Street and Sorensen Parkway from R5(35) and GI to CC – see attached.

6. Res. that the replat transmitted herewith entitled SORENSEN CORNER, located Southeast of 30th Street and Sorensen Parkway, is hereby approved, and concurrently a portion of the existing plat entitled Becker and Frederick’s Addition, and described on said replat, is hereby vacated – Inside City – over from 01/27/09 for publication and Public Hearing – had publication – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

(a) Planning Board and Planning Department recommend approval of the Final Plat of SORENSEN CORNER located Southeast of 30th Street and Sorensen Parkway – Inside City – over from 01/27/09 – see attached.

7. Res. that the Subdivision Agreement between the City of Omaha and Aldi Inc., as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Sorensen Corner (Lot 1) and is located southeast of 30th Street and Sorensen Parkway – over from 01/27/09 – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
Resolutions Re: Preliminary Plats and Plat

8. Res. that the preliminary plat entitled VILLAGE GREEN located North of 3rd and Bancroft Streets is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – see attached.

(a) Planning Board and Planning Department recommend approval of the Preliminary Plat of VILLAGE GREEN located North of 3rd and Bancroft Streets – Inside City – see attached.

9. Res. that the replat transmitted herewith entitled VILLAGE GREEN located North of 3rd and Bancroft Streets, is hereby approved, and concurrently a portion of the existing plat entitled Anisfield Addition, and described on said replat, is hereby vacated – Inside City – see attached.

(a) Planning Board and Planning Department recommend approval of the Final Plat of VILLAGE GREEN located North of 3rd and Bancroft Streets – Inside City – see attached.

10. Res. that the preliminary plat entitled EMMA ADDITION located Northwest of 135th and “Q” 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.

(a) Planning Board and Planning Department recommend approval of the Preliminary Plat of EMMA ADDITION, located Northwest of 135th and “Q” Streets – Inside City – see attached.

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LIQUOR

11. Kelval, Inc., dba “Connections”, 1901 Leavenworth Street, requests permission to appoint Parmella Means manager of their present Class “I” Liquor License – see attached. ((PUBLIC HEARING TODAY – CAN BE APPROVED TODAY))

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. 12 through 13 were held on 02/03/09).

(The public hearings on Agenda Item Nos. 14 through 22 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 – ORDINANCES

12. Ord. to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “A” Flammable Liquids Storage District, to be known as District No. A-146, at 4111 Gibson Road, as requested by Syngenta; and to provide the effective date hereof – see attached.

13. Ord. to amend Chapter 46 of the Omaha Municipal Code entitled Fire Code, by amending Section 46-3 addressing revisions to the 2003 edition of the International Fire Code regulating and governing the safeguarding of life and property from fire and explosion hazards; to increase the fees provided for certain services; repealing Section 46-3 of the Omaha Municipal Code as heretofore existing; and providing for the effective date hereof – see attached.

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

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CONSENT AGENDA – RESOLUTIONS

14. Res. that, as recommended by the Mayor, the Purchase Order to the Metropolitan Utilities District for repair of street cuts located within the sanitary sewer separation projects known as OPW 50762, located in the 26th Street and Grant Street area and OPW 51205 located in the 30th Street and Laurel Street area, is hereby approved; and that the Finance Department is authorized to pay the Metropolitan Utilities District $109,539.23 for these street repairs from the Sewer Revenue Improvement Fund 21124, Sewer Separation Organization 116912 – see attached.

15. Res. that, as recommended by the Mayor, the contract with Goss-Mann Construction Co. for OPW 51502, being Elkhorn Maintenance Facility Shop Expansion located at 555 West Park Road in the amount of $247,692.00 is hereby approved; and that the Finance Department is authorized to pay this cost from the 2006 Public Facilities Fund 13244, 2008 Issue Public Facility Bonds Organization 117513 in the amount of $68,000.00, and from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158 in the amount of $179,692.00, year 2008 expenditures – see attached.

16. Res. that, as recommended by the Mayor, the contract with L.G. Roloff Construction Co., Inc. for OPW 51503, being Webster Street Storm and Sanitary Sewer Extensions at 20th and Cuming Streets to 27th and Cuming Streets and 27th and Burt Streets in the amount of $6,724,626.06 is hereby approved; and that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116916, year 2009 expenditures – see attached.

17. Res. that, the Engineering Services Agreement with JEO Consulting Group, Inc. for preliminary engineering, design services and project management services required for improving Mercy Road from 73rd Street to 78th Street, is hereby approved; and that the Finance Department is authorized to pay $49,940 for these engineering services from the City Capital Improvement Fund 13112, City Capital Improvement Organization 131555 – see attached.

18. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Swarco for the purchase of pavement marking beads to be utilized by the Traffic Maintenance Division in the amount of $51,750.00; and that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Markings Organization 116184, year 2009 expenditures – see attached.
19. Res. that, as recommended by the Mayor, the Agreement with Keep Omaha Beautiful, Inc. to promote storm water pollution prevention activities for 2009 is hereby approved; further that the Finance Department is authorized to pay to KOB a total of $40,000 from the Storm Water Fee Revenue Fund 12128, Storm Water Management Organization 116312, 2009 expenditure – see attached.

20. Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and the Papio Missouri River Natural Resources District (P-MRNRD) to provide for their specific rights and obligations, with respect to the development, construction, operation and maintenance of Phase I, II and III of a connector trail, which is a link between the Keystone Trail and the Field Club Trail, to be known as “Keystone East Trail”, is hereby approved – see attached.

21. Res. that the reappointment by Mayor Mike Fahey of Timothy F. Holland as the licensed architect member of the Urban Design Review Board, to serve a three (3) year term commencing on February 25, 2009, and expiring on February 24, 2012, be and hereby is confirmed and approved – see attached.

22. Res. that the reappointment by Mayor Mike Fahey of Robert C. Peters as the professional planner member of the Urban Design Review Board, to serve a three (3) year term commencing on February 25, 2009, and expiring on February 24, 2012, be and hereby is confirmed and approved – see attached.

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

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23. Ord. to approve a second extension to the Interlocal Agreement between the City of Omaha, [the Mayor as the designated Chief Elected Official of the Tri-County Workforce Area (which includes Douglas, Sarpy and Washington Counties)], and the State of Nebraska, Department of Labor, Nebraska Workforce Development; said agreement involving appropriations out of more than one year as provided by Section 5.17 of the Home Rule Charter, to agree that Nebraska Workforce Development will provide the delivery of Title I Adult/Dislocated Worker and Youth services in the Tri-County Workforce Investment Area, and to coordinate the services provided by the Tri-County Workforce Consortium; and to provide for the effective date hereof – see attached. ((PUBLIC HEARING HELD 02/03/09 – CAN BE PASSED TODAY))

(a) Communication from Mark Le Flore, Sr., 2874 Mary Street, re: Ordinance to approve an extension to the Interlocal Agreement between the City of Omaha and the State of Nebraska, Department of Labor, Nebraska Workforce Development – over from 02/03/09 – see attached.

(b) Communication from Ola Anderson re: the ordinance extending the Workforce Development contract with the State of Nebraska Department of Labor – see attached.

24. Special Ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2009-1 – see attached. ((PUBLIC HEARING HELD 02/03/09 – CAN BE PASSED TODAY))

(a) Amendment requested by the Finance Department – see attached.

25. Special Ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2009-2 – see attached. ((PUBLIC HEARING HELD 02/03/09 – CAN BE PASSED TODAY))

(a) Amendment requested by the Finance Department – see attached.
26. Special Ordinance levying a special tax assessment for removal of litter in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2009-3 – see attached. ((PUBLIC HEARING HELD 02/03/09 – CAN BE PASSED TODAY))

(a) Amendment requested by the Finance Department – see attached.

(b) Communication from Marisol Gil protesting the assessment of property located at 3483 Spaulding Street - $234.00 – Group 2009-3 – over from 02/03/09 – see attached.

“PURSUANT TO CITY COUNCIL RULE VII
DUE TO NO MEETING BEING HELD FEBRUARY 17, 2009
THE THIRD READING ON AGENDA ITEM NOS. 27 THROUGH 28
SHALL BE HELD ON FEBRUARY 24, 2009”
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))

ORDINANCE ON SECOND READING and Planning Board Attachment

27. Ord. vacating “J” Street from 14th Street, west 130 feet to the north/south alley and providing the effective date hereof – see attached. ((PUBLIC HEARING TODAY))

(a) Planning Board and Planning Department recommend approval of a request to vacate “J” Street from 14 Street, west to the east right-of-way line of the north/south alley – see attached.

ORDINANCE ON SECOND READING

28. Ord. approving a Purchase Agreement for the sale of City-owned real property for use as a day services center for homeless persons; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Purchase Agreement with Siena-Francis House, a non-profit corporation, to convey to them the property located at the 1624 Nicholas Street and legally described therein, for the sum of Ten and No/100 Dollars ($10.00); and to provide the effective date hereof – see attached. ((PUBLIC HEARING TODAY))
SPECIAL USE PERMIT – PERSONAL IMPROVEMENT SERVICES

29. Res. that the Special Use Permit application submitted by CrossFit, LLC for permission to allow Personal Improvement Services in a GI-General Industrial District, located at 8938 “L” 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 01/27/09 for publication and Public Hearing – had publication – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

(a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Personal improvement services in a GI District located at 8938 “L” Street – over from 01/27/09 – see attached.

SPECIAL USE PERMIT – CUSTOM MANUFACTURING

30. Res. that the Special Use Permit application submitted by Tim DeGeorge for permission to allow Custom Manufacturing in the CC-Community Commercial District, located at 14111 “Q” 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 01/27/09 for publication and Public Hearing – had publication – see attached.

(a) Planning Board and Planning Department recommend approval of the request of Tim DeGeorge for a Special Use Permit to allow Custom Manufacturing in the CC-Community Commercial District located at 14111 “Q” Street – over from 01/27/09 – see attached.
“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 31 SHALL BE LAID OVER
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”

AFTER-HOURS DANCE PERMIT

31. Res. that the application of España Restaurant for the renewal of an after-hours
dance permit at 6064 Maple Street be and hereby is approved – see attached.

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“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD FEBRUARY 17, 2009
THE SECOND READING AND PUBLIC HEARINGS
ON AGENDA ITEM NOS. 32 THROUGH 40
SHALL BE HELD ON FEBRUARY 24, 2009”

ORDINANCES ON FIRST READING

32. Ord. declaring the necessity of appropriating, for use of the City of Omaha, the
necessary lands for the purpose of constructing the Webster Street Phase II
Storm & Sanitary Sewer Extension, from 20th & Cuming Streets to 27th & Cuming
Streets and 27th & Burt Streets identified as OPW 51503; providing that the City
negotiate with the property owners for land acquisitions, permanent easements
and temporary construction easements; providing that as to each specified parcel
which cannot be obtained by negotiation, condemnation proceedings be
undertaken and completed; and, providing for the effective date hereof – see
attached.

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 Long
School Redevelopment Plan Area, an area generally defined by Locust Street,
North 17th Street, Corby Street and North 19th Street, for acquisition, relocation
as appropriate, demolition of structures, preparation of sites, and subsequent use
as sites for implementing the 18th and Locust Area Redevelopment Plan, for
construction of senior housing; provided that as to each specified parcel which
cannot be obtained by negotiation, proceedings in eminent domain be
undertaken and completed; and, providing for the effective date hereof. Funding
of the project will be paid from the NSRA Housing Infill Program, FY 2009
Community Development Block Grant, Fund 12186, Organization No. 129161 –
see attached.
34. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant properties located at 1538 North 18th Street and legally described on Attachment "A", for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2009 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Katherine Turner, 2503 North 16th Street, Omaha, NE 68110, to acquire the property for the sum of Fifteen Thousand Four Hundred Seventy and No/100 Dollars ($15,470.00) is approved; project costs will be paid from FY 2009 HOME Match Funds, Fund 11111, Organization 109023; and to provide the effective date hereof – see attached.

35. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant properties located at 1807 Lake Street and legally described on Attachment "A", for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2009 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Norman and Wanda Parker, 2408 North 18th Street, Omaha, NE 68110, to acquire the property for the sum of Seven Thousand Five Hundred Eighty-three and No/100 Dollars ($7,583.00) is approved; project costs will be paid from Community Development Block Grant award for NRSA Infill Housing, Fund No. 12186, Organization No. 129161; and to provide the effective date hereof – see attached.

36. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant properties located at 4204-4224 Lake Street and legally described on Attachment "A", for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2009 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Charles Leverette, 5225 Fontenelle Boulevard, Omaha, NE 68111, to acquire the property for the sum of Ten Thousand Eight Hundred and No/100 Dollars ($10,800.00) is approved; project costs will be paid from FY 2009 HOME Match Funds, Fund 11111, Organization 109023; and to provide the effective date hereof – see attached.
37. Ord. to approve the bid from Professional Tree Service for private property tree removal services in Omaha, Nebraska (starting one-year from City Council approval with two, one-year options that shall be at the City’s discretion and at the same terms and conditions: 2010 and 2011); to authorize annual payments as specified therein in the amount of $30.00 for each tree removed 0-44” diameter at breast high, $30.00 for each tree removed 45”-60” diameter at breast high and $30.00 for each tree removed 60”- up diameter at breast high; and to provide an effective date – see attached.

38. Ord. to approve the bid from Professional Tree Service for street tree removal services in Omaha, Nebraska (starting one-year from City Council approval with two, one-year options that shall be at the City’s discretion and at the same terms and conditions: 2010 and 2011); to authorize payments as specified therein in the amount of $24.00 for each tree removed 0-44” diameter at breast high, $24.00 for each tree removed 45”-60” diameter at breast high and $14.00 for each tree removed 60”- up diameter at breast high; and to provide an effective date – see attached.

39. Ord. to approve the bid from Regency Lawn, Inc. for ground maintenance services at Regency Subdivision, 606 Regency Parkway, Omaha, Nebraska (through December 31, 2009 with four, one-year options that shall be at the City’s discretion and at the same terms and conditions: 2010, 2011, 2012, and 2013); to authorize annual payments as specified therein in the amount of $61,200.00 per year; and to provide an effective date – see attached.

40. Ord. to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District, to be known as District No. B-164 at Ameritas Life Insurance Corp., 10842 Farnam Drive, as requested by Jon Weinberg; and to provide the effective date hereof – see attached.

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CHAIRMAN OF THE BOARD OF EQUALIZATION

41. Chairman of the Board of Equalization reports approval of Plans of Assessment with adjustments and corrections made at their regular meeting held February 3, 2009 – see attached. ((MOTION NEEDED TO APPROVE))
EXECUTIVE SESSION

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

This agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha-Douglas Civic Center, 1819 Farnam, LC 1, Omaha, NE, during normal business hours.

All requests for sign language interpreters (signers) will require a minimum of 48 hours advance notice. Alternative formats require a minimum of 72 hours advance notice. Please contact Sandra L. Moses - 444-5552 if arrangements need to be made.