CITY COUNCIL AGENDA FOR MAY 19, 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 Council President Dan Welch of District No. 5.

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 May 15, 2009, notice re: Pre-Council and Regular City Council Meetings, May 19, 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.

MAYORAL ADDRESS

5. Mayor Mike Fahey addresses the City Council.
RESOLUTION RE: BONDS

6. Res. approving the issuance on behalf of the City of Omaha and final terms of the $65,000,000 aggregate principal amount of City of Omaha Public Facilities Corporation Lease Revenue Bonds (Omaha Baseball Stadium Project) Series 2009, and authorizing and approving the Bond Purchase Agreement and the Official Statement – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

RESOLUTIONS RE: PRELIMINARY PLATS AND PLATS

7. Res. that the preliminary plat entitled UNION PACIFIC PLACE REPLAT 4, located Northwest of 10th and Webster Streets is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 05/05/09 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 Preliminary Plat of UNION PACIFIC PLACE REPLAT 4, located Northwest of 10th and Webster Streets – Inside City – over from 05/05/09 – see attached.

8. Res. that the replat transmitted herewith entitled UNION PACIFIC PLACE REPLAT 4, located Northwest of 10th and Webster Streets, is hereby approved, and concurrently a portion of the existing plat entitled Union Pacific Place, and described on said replat, is hereby vacated – Inside City – over from 05/05/09 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 UNION PACIFIC PLACE REPLAT 4, located Northwest of 10th and Webster Streets – Inside City – over from 05/05/09 – see attached.
9. Res. that the revised preliminary plat entitled SOUTHERN VALLEY located Southwest of 18th and “Q” Streets with a waiver of Section 53-8(4), Minimum design standards 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 05/05/09 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 Revised Preliminary Plat of SOUTHERN VALLEY (formerly 18th & “Q” Townhomes) located Southwest of 18th and “Q” Streets – Inside City – over from 05/05/09 – see attached.

“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2009
AGENDA ITEM NO. 10 SHALL BE LAID OVER
THREE WEEKS TO JUNE 9, 2009
FOR PUBLICATION AND PUBLIC HEARING”

10. Res. that the replat transmitted herewith entitled EMMA ADDITION, located Northwest of 135th and “Q” Streets, is hereby approved, and concurrently a portion of the existing plat entitled Millard, 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 EMMA ADDITION, located Northwest of 135th and “Q” Streets – Inside City – see attached.

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ORDINANCE ON FINAL READING and Planning Board Attachments

11. Ord. to adopt the 2009 Sanitary Interceptor Sewer Element of the City of Omaha Master Plan; and to provide for the effective date hereof – see attached. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(a) Planning Board and Planning Department recommend approval of the 2009 Sanitary Interceptor Sewer Element of the Master Plan – see attached.
12. Ord. to approve an amendment to the Urban Development Element of the Master Plan for the City of Omaha, to move the Present Development Zone boundary at various locations within the City of Omaha zoning jurisdiction; and to provide for the effective date hereof – see attached. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(a) Planning Board and Planning Department recommend approval of an amendment to the Urban Development Element of the Master Plan to change the Present Development Zone boundary – see attached.

LIQUOR

13. CLASS “I” – Hole in One, LLC, dba “Boulder Creek Amusements”, 14208 “S” Street. New application, new location. Property posted: 05/04/09. Notification sent: 05/08/09 – see attached. ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

14. Upstream Brewing Company West, LLC, dba “Upstream Brewing Company”, 17070 Wright Street Plaza, requests permission for an addition to their present Class “C/K & “L”” Liquor Licenses location of an irregular sidewalk café approximately 42’ x 30’ to the north. Property posted: 05/06/09. Notification sent: 05/08/09 – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

15. Omaha Bourne, Inc., dba “Burkes of BallyShannon”, 6117 Maple Street, requests permission of a deletion from their present Class “C” Liquor License location of the beer garden approximately 24’ x 16’ to the south. (Approved by City Council on February 24, 2009) – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

16. Chardan Enterprises, Inc., dba “DC’s Saloon”, 610 South 14th Street, requests permission to appoint Robert E. Ewing III manager of their present Class “C” Liquor License – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

17. Guckenheimer Enterprises, Inc., dba “Holland Performing Arts Center”, 1200 Douglas Street, requests permission to appoint Teresa A. Bradley manager of their present Class “I” Liquor License – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
18. Guckenheimer Enterprises, Inc., dba “Weaver Lounge”, 401 South 16th Street, requests permission to appoint Teresa A. Bradley manager of their present Class “I” Liquor License – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

19. Meridian Restaurant Group, Inc., dba “TGI Friday’s”, 10000 California Street, requests permission to appoint LaMontie I. Anderson manager of their present Class “I” Liquor License – see attached. ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

20. Outback Steakhouse Midwest-I, LP, dba “Outback Steakhouse”, 2414 South 132nd Street, requests permission to appoint William R. Hastings manager of their present Class “I” Liquor License – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

21. Upstream Brewing Company, LLC, dba “Upstream Brewing Company”, 514 South 11th Street, requests permission to appoint Virginia F. Fallon manager of their present Class “I” Liquor License – see attached.
   (a) Upstream Brewing Company, LLC, dba “Upstream Brewing Company”, 514 South 11th Street, requests permission to appoint Virginia F. Fallon manager of their present Class “L” Liquor License – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

22. 157, Inc., dba “The Nest”, 2638 South 158th Plaza, requests permission for a Special Designated License for a dance on June 5-6, 2009 from 7:00 p.m. to 12:00 midnight. (Music will end at 12:00 midnight) – see attached.
   (a) 157, Inc., dba “The Nest”, 2638 South 158th Plaza, requests permission for a Special Designated License for a dance on July 11-12, 2009 from 7:00 p.m. to 12:00 midnight. (Music will end at 12:00 midnight) – see attached.
   (b) 157, Inc., dba “The Nest”, 2638 South 158th Plaza, requests permission for a Special Designated License for a dance on August 15-16, 2009 from 7:00 p.m. to 12:00 midnight. (Music will end at 12:00 midnight) – see attached. ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
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. 23 through 24 were held on May 5, 2009).

(The public hearings on Agenda Item Nos. 25 through 50 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

ORDINANCES ON FINAL READING

23. Ord. to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to sell six (6) affordable single family homes developed by the City of Omaha as part of the OIC Neighborhood Redevelopment Project to qualified homebuyers at the to be determined appraised value; the addresses and legal descriptions of the properties to be transferred are identified on Attachment “A” to this Ordinance; and, to provide payment of expenses from the Fiscal Year HOME Program, OIC Neighborhood Project, Fund No. 12179, Organization 128068, Project 2470; authorizing the sale of; and to provide the effective date hereof – see attached.

24. Ord. to approve the bid (for a one-year period ending December 31, 2009 with two, one-year options that shall be at the City’s discretion and at the same terms and conditions: (2010 and 2011)) from Navarro Lawn & Landscape Inc. for ground maintenance services at Package Three, which includes Walnut Grove Subdivision/Bryan Park, north and west of 144th Street and “Q” Streets; Pheasant Run/Linden Place, located south and east of 156th Street and “Y” Street; and Timber Creek, south and west of 132nd Street and “Z” Street, Omaha, Nebraska; to authorize annual payments as specified therein in the amount of $33,015.00 per year; and to provide an effective date – see attached.

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

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CONSENT AGENDA – RESOLUTIONS

25. Res. that the Amendment to the Subdivision Agreement among the City of Omaha, Hearthstone Homes, Inc., the Glenmoor/Turnbridge Homeowners Association and Sanitary and Improvement District 530 of Douglas County, Nebraska, as recommended by the Mayor, providing for the delay in construction of public improvements, is hereby approved. The Subdivision is to be known as Glenmoor (Lots 314-518) and is located northwest of 90th & Quest Streets – see attached.

26. Res. that the Amendment to the Subdivision Agreement among the City of Omaha, Stone Creek Plaza, LLC, the Ridgemoor Homeowners Association and Sanitary and Improvement District 527 of Douglas County, Nebraska, as recommended by the Mayor, providing for the delay in construction of public improvements, is hereby approved. The Subdivision is to be known as Ridgemoor (Lots 207-356) and is located northwest of 144th & Gilder Streets – see attached.

27. Res. that, as recommended by the Mayor, the contract with Mechanical Systems for OPW 51357, being Missouri River Wastewater Treatment Plant Solids Building HVAC Improvements in the amount of $326,840.00 is hereby approved; and that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvement Fund 21124, Capital Asset Replacement Program Organization 116913, year 2009 expenditures – see attached.

28. Res. that, as recommended by the Mayor, the contract with Omaha Electric Service, Inc. for OPW 51523, being traffic signal construction at the intersection of 10th and Harney Streets in the amount of $60,753.00 is hereby approved. Eighty percent (80%) of this project will be paid by the Nebraska Department of Roads. The Finance Department is authorized to pay the City’s 20% of this cost from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189, year 2009 expenditures in the amount of $12,140.60 – see attached.

29. Res. that, as recommended by the Mayor, the contract with Western Engineering Co. for OPW 51666, being Major Street Resurfacing Contract at various locations in the amount of $2,959,369.91 (base bid of $2,859,369.91 plus the potential maximum incentive amount of $100,000.00) is hereby approved; and that the Finance Department is authorized to pay the cost of OPW 51666 from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159, year 2009 expenditures – see attached.

(a) Communication from Robert G. Stubbe, Public Works Director, re: 2009 Resurfacing Projects – see attached.
30. Res. that, as recommended by the Mayor, the Program Agreement with the Nebraska Department of Roads for the safety improvements of the intersection of 15th Street and Farnam Street, is hereby approved; and that the Finance Department is authorized to pay the City’s estimated $12,050.00 share of the cost from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189 – see attached.

31. Res. that, as recommended by the Mayor, the Program Agreement with the Nebraska Department of Roads for new traffic signals at the intersection of 13th Street and Harney and Howard Streets, is hereby approved; and that the Finance Department is authorized to pay the City’s estimated $27,000.00 share of the cost from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189 – see attached.

32. Res. that, as recommended by the Mayor, the Program Agreement with the Nebraska Department of Roads for the safety improvements of the intersection of 42nd Street and Dodge Street, is hereby approved; and that the Finance Department is authorized to pay the City’s estimated $17,250.00 share of the cost from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189 – see attached.

33. Res. that, as recommended by the Mayor, the Program Agreement with the Nebraska Department of Roads for new traffic signals at the intersection of 52nd Street and Northwest Radial Highway, is hereby approved; and that the Finance Department is authorized to pay the City’s estimated $22,600.00 share of the cost from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189 – see attached.

34. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Navarro Enterprise Construction for hauling street sweeping debris from 11th and Locust Streets to the Papillion Creek Wastewater Treatment Plant at 15705 Harlan Lewis Road in the amount of $50,617.00; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Street Right-of-way Clearing Organization 116152, year 2009 expenditures – see attached.

35. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Sid Dillon Chevrolet for the purchase of one ¾ ton, crew cab, 4-door pickup to be utilized by the Construction Division in the amount of $31,369.00; and that the Finance Department is authorized to pay this cost from Construction Survey and Inspection Organization 116121, Street and Highway Allocation Fund 12131, year 2009 funding – see attached.
36. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Badger Body Truck Equipment for the purchase of four complete roll-off interchange systems to be utilized by the Street Maintenance Division in the amount of $265,420.00; and that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2009 expenditures – see attached.

37. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Aspen Equipment Company for the purchase of eight stainless steel spreaders to be utilized by the Street Maintenance Division in the amount of $73,872.00; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2009 expenditures – see attached.

38. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Omaha Standard Truck Equipment for the purchase of two 10’ snow plows to be utilized by the Street Maintenance Division in the amount of $13,652.00; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2009 expenditures – see attached.

39. Res. that, as recommended by the Mayor, the Purchase Order to Ashbrook Simon-Hartley for rebuilding No. 3 belt filter press at the Papillion Creek Wastewater Treatment Plant, in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique or non-competitive items is hereby approved; that the Finance Department is authorized to pay Ashbrook Simon-Hartley for rebuilding No. 3 belt filter press at the Papillion Creek Wastewater Treatment Plant $89,500.00 from the Sewer Revenue Fund 21121, Papillion Creek Maintenance Organization 116614 – see attached.

40. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to K. A. Steel Chemicals, Inc. for the purchase of 30,000 gallons of sodium hydroxide to be utilized by the Missouri River Wastewater Treatment Plant in the amount of $51,300.00; and that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Missouri River Wastewater Treatment Plant Organization 116612, year 2009 expenditures – see attached.
41. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order for a 12 month price agreement to American Concrete as primary supplier in the amount of $22,866.00 and to Cretex as alternate supplier in the amount of $23,115.00 for the manhole precast concrete products to be utilized by the Sewer Maintenance Division; and that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Sewer Maintenance Organization 116511, year 2009 expenditures – see attached.

42. Res. that the attached Contract Change Order from Anderson Excavating for OPW 51499 Pinnacle Foods Building Demolition and Parking Lot, in the amount of $1,431,800.00 be approved and the total contract amount increased to $5,219,433.11. Be it further resolved that the Finance Department is authorized to pay the cost of the Contract Change Order for OPW 51499 Pinnacle Foods Building Demolition and Parking Lot project in the amount of $1,431,800.00 from Fund No. 13448, Downtown Development Fund, Organization No. 131601, Pinnacle Site. It is the intention of the City to finance this project with proceeds of redevelopment bonds – see attached.

43. Res. that, as recommended by the Mayor, the Mayor is authorized to execute the attached Amended Agreement modifying the terms of the Agreement between the City of Omaha and New Creations, Inc., providing for the partial financing of the acquisition of ten (10) properties, located at 3427 Seward Street, 2430 Crown Point Avenue, 4419 Jaynes Street, 4725 North 36th Avenue, 4921 Manderson Street, 4527 North 37th Street, 4708 Laurel Avenue, 4505 Seward Street, 2806 Manderson Street, and 4429 Franklin Street (legally described in Attachment “A” to the Agreement and Amended Agreement), for use as transitional housing units, approved by City Council Resolution No. 1872, on July 24, 2001, to reduce the Affordability Period to five (5) years from the date of project completion to bring the length of the Affordability Period into agreement with the requirements of the original source of the loan funds, the Nebraska Department of Economic Development, and modify the repayment terms to allow the loan to be forgiven upon completion of the Affordability Period, be and hereby is approved – see attached.

44. Res. that, as recommended by the Mayor, the attached Agreement between the City of Omaha and the League of Human Dignity, Inc., a Nebraska Non-profit Corporation, 5513 Center Street, Omaha, Nebraska 68106, in the amount of $102,950.62 comprised of $100,000.00 in FY 2009 and $2,950.62 in FY 2008 carryover funds for barrier removal services for 20 housing units within the city limits of the City of Omaha for the period from January 1, 2009, through December 31, 2009, is hereby approved. Funds shall be paid from the Community Development Block Grant, Fund No. 12186, Organization No. 129118, Barrier Removal – see attached.
45. Res. that as, recommended by the Mayor, the bid in the total amount of $147,600.00 (bid amount of $141,400.00 plus Alternate No. 1 for $6,200.00, colored concrete in lieu of standard) from Dostals Construction Co., Inc., to furnish all labor, materials and equipment necessary for the renovation of Hummel Park, 11808 John J. Pershing Drive, Omaha, Nebraska, to include but not be limited to improvements to the playground, steps, portable toilet enclosure, day camp driveway entrance, walks and picnic tables, is hereby accepted and the Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from the 2006 Parks and Recreation Bond Fund No. 13354, Organization No. 117313, and Project No. 2189, Hummel Park Rehab – see attached.

46. Res. that, as recommended by the Mayor, the bid in the total amount of $2,829,400.00 (the bid amount of $2,817,000.00 plus Alternate No. 2 for $12,400.00, two additional shade structures @ $6,200 each) from Lueder Construction Co., to furnish all labor, materials and equipment necessary to install an aquatic center pool, slides, bathhouse, pump house, deck paving, parking, site work and all associated work to provide a complete aquatic center facility in the vicinity of 3600 South 156th Street, and to be known as Lake Zorinsky Aquatic Center, is hereby accepted and the Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from the 2006 Parks and Recreation Bond Fund No. 13354, Organization No. 117313, and Project No. 2514, Lake Zorinsky Aquatic Center – see attached.

47. Res. that the bid from Best Buy Signs for the installation and maintenance of bus stop benches, with or without advertising, in the amount of $130,000.00 per year revenue to the City of Omaha is accepted, the bid specifications and contract are approved, and the City Clerk is authorized to attest and the Mayor to sign said contract – see attached.

48. Res. that the bid of Draeger Safety, Inc., in the total amount of $179,400.00 is accepted as the lowest and best bid, and the Purchasing Agent is directed to issue a Purchase Order in accordance with specifications for the purchase of one (1) fire safety training simulator, for use by the Omaha Fire Department, said sum to be paid from the 2006 Tri County Urban Areas Security Initiative Grant, Fund No. 12151, Organization 130752, Project 2272, Task 11.08 – see attached.
49. Res. that the bid of Mid Continent Safety in the total amount of $24,999.00 is accepted as the lowest and best bid, and the Purchasing Agent is directed to issue a Purchase Order in accordance with specifications for the purchase one (1) thermal imaging camera kit, including camera, truck charger, two batteries and retractable lanyard dragger at $9,146.35, one (1) thermal imaging camera kit—demo unit, including camera, truck charger, two batteries and retractable lanyard dragger at $8,646.35, two (2) handle video/picture capture, dragger P/N at $1,345.48 each, one (1) Minirae 3000 PID with 10.6EV lamp, including LI-ION batteries and accessories kit at $3,301.33 and one (1) single gas MX6 with pump LEL methane sensor reads PPM, for use by the Omaha Fire Department, said sum to be paid from the Tri-County Fiscal Year 2007 Urban Area Security Initiative Grant, Fund 12151, Organization, 130621, Object 44133 – see attached.

50. Res. that the contracts between the City of Omaha and: (1) The Omaha Minority Community Development Fund in the amount of Twenty Thousand Dollars ($20,000.00), (2) Catholic Charities Inc. in the amount of Twenty Thousand Dollars ($20,000.00), (3) United Methodist Community Center Inc. in the amount of Twenty Thousand Dollars ($20,000.00), and (4) Rescue Mission Inc. d/b/a Open Door Mission in the amount of Twenty Thousand Dollars ($20,000.00), for summer youth programming in one of the three Weed and Seed target areas from May 15 to August 30, 2009, and incorporated herein by this reference, are hereby approved. Further that the Finance Director is authorized to provide payment of $80,000 from the Omaha After School/Out-of-School Program Grant #2006-JL-FX-K073, Fund 12149, Organization 130743 in accordance with the contract terms – see attached.

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

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RESOLUTIONS

51. Res. that the City of Omaha Law Department is hereby authorized to conclude the pending litigation entitled Travelers Property Casualty Company of America, as subrogee of American Asphalt, Inc. v. The City of Omaha and Metropolitan Utilities District, Doc. 1070 Page No. 254, by the entry of stipulated judgment, including the exchange for the dismissal of all claims, by the payment of the full amount of $140,000.00; said funds to be paid from the Special Levy Judgment Fund No. 12111, Organization No. 121101 and Account No. 46216 – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
52. Res. that the City of Omaha Law Department is authorized to pay the Plaintiff in the pending litigation entitled *Primus Telecommunications, Inc. v. City of Omaha* (Doc. 1086, No. 836) the amount of $24,000.00 in exchange for dismissal of all pending claims; said funds to be paid from the Contingent Liability Fund – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

**ORDINANCE ON FINAL READING**

53. Ord. to approve the Collective Bargaining Agreement for the years 2009, 2010 and 2011 between the City of Omaha and the Omaha City Employees, Local 251, American Federation of State, County and Municipal Employees, AFL-CIO; to provide that any ordinances of the City of Omaha, and any rules and regulations promulgated thereunder, which are in conflict with the provisions of the Collective Bargaining Agreement shall not be applicable to those employees in the Bargaining Unit described in Article 1, Section 1, of said Collective Bargaining Agreement; to provide authorization for the Mayor to execute and the City Clerk to attest his signature; and to provide the effective date hereof – over from 04/21/09 – see attached. ((PUBLIC HEARING HELD 03/24/09 – CAN BE PASSED AS AMENDED TODAY))

(a) Communication from Steve Kerrigan, Acting Labor Relations Director, re: Statement of Understanding for Seasonal and Part-Time Employment – over from 04/21/09 – see attached.

(b) Communication from Jim Dowding, re: Local 251 Contract Amendments and Approval Procedures – over from 04/21/09 – see attached.

(c) Communication from Jim Dowding, Council Staff Assistant, re: Local 251 Collective Bargaining Agreement – see attached.
“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2009
THE THIRD READING AND PUBLIC HEARINGS ON
AGENDA ITEM NOS. 54 THROUGH 59
SHALL BE HELD ON JUNE 2, 2009”

ZONING ORDINANCES ON SECOND READING

54. Ord. to approve an amendment to the Land Use Element of the Master Plan for the City of Omaha, to change the land use designation from industrial to medium/high density residential for the area Northeast of 40th and Mason Streets; and to provide for the effective date hereof – see attached.

55. Ord. to rezone the property located Northeast of 40th and Mason Streets from GI-General Industrial District to R6-Low Density Multiple-Family Residential District.

56. Ord. to rezone property located at 7808 Dodge Street from MU-Mixed Use District to CC-Community Commercial District, portions of which property lie within the flood fringe.

57. Ord. to amend the boundaries of the ACI-2 District of the Areas of Civic Importance Overlay District, to incorporate into that district the property located at 7808 Dodge Street; and to provide for an effective date – see attached.

58. Ord. to rezone properties located at 2316 and 2320 North 83rd Street from R8-High-Density Multiple-Family Residential District and GI-General Industrial District to GI-General Industrial District.

59. Ord. to amend Sections 55-88 and 55-784 of the Omaha Municipal Code; to change the Lot Clustering Regulations in an AG-Agricultural District; to repeal Sections 55-88 and 55-784 as heretofore existing; and to provide the effective date thereof – see attached.

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“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2009
THE THIRD READING ON AGENDA ITEM NOS. 60 THROUGH 63
SHALL BE HELD ON JUNE 2, 2009”

((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))
ORDINANCES ON SECOND READING

60. Ord. to approve the transfer of property interests, including acquisition and an easement in land to the State of Nebraska for purposes of improving Interstate 80 between the Missouri River Bridge and 24th Street Bridge; to authorize the Mayor to execute the attached acquisition contracts, warranty deeds and easement agreement; and to provide an effective date thereof – see attached. ((PUBLIC HEARING TODAY))

61. Ord. approving an amendment to a professional management and engineering contract with CH2M HILL, Inc. for the Combined Sewer Overflow Program, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to authorize the Finance Department to pay for the services as outlined in the contract documents; to authorize the reimbursements to be paid from a specific account; and to provide an effective date hereof – see attached. ((PUBLIC HEARING TODAY))

62. Ord. to amend Sections 31-145, 31-147 and 31-148 of the Omaha Municipal Code, dealing with sewer use fees; to provide for sewer service charges for the period January 1, 2010 through December 31, 2014, subject to future amendments as may be needed; and to repeal Sections 31-145, 31-147 and 31-148 of the Omaha Municipal Code as heretofore existing; and to provide for the effective date hereof – see attached. ((PUBLIC HEARING TODAY))

(a) Communication from James E. Blinn, Mayor, City of Papillion, requesting further study of a proposed sewer rate ordinance prior to adoption by the Omaha City Council – see attached.

63. Ord. declaring the necessity of appropriating, for use of the City of Omaha, certain hereinafter described property and property interests in vacant and improved properties located on the southwest corner of North 24th and Hamilton Streets, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as temporary construction easements and permanent acquisition of right of way, as necessary for streetscape improvements along North 24th Street; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; funding shall be payable from Fiscal Year 2009, Community Development Block Grant, Organization No. 129131, Fund No. 12186, Project 2469, Task 4.12; and, providing for the effective date hereof – see attached. ((PUBLIC HEARING TODAY))

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64. Res. that the Special Use Permit application submitted by Avery Schwer for permission to allow a Wind energy conservation system (WECS) in an R4(35)-Single-Family Residential District (High Density), located at 6454 Woolworth Avenue, 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 05/05/09 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 a Wind energy conservation system (WECS) in an R4(35) District located at 6454 Woolworth Avenue – over from 05/05/09 – see attached.

“PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NO. 65
SHALL BE LAIED OVER THREE WEEKS
FOR PUBLICATION AND PUBLIC HEARING”

RESOLUTION

65. Res. that the attached Amendments to the Omaha-Council Bluffs Fiscal Years 2008 and 2009 Consolidated Submissions for Community Planning and Development Programs are hereby approved – see attached.

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“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2009
THE THIRD READING AND PUBLIC HEARINGS
ON AGENDA ITEM NOS. 66 THROUGH 67
SHALL BE HELD ON JUNE 9, 2009”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

66. Ord. to rezone property located northwest of 135th and “Q” Streets from CC-Community Commercial District and GI-General Industrial District to NBD-Neighborhood Business District.

   (a) Planning Board and Planning Department recommend approval of a request to rezone property located northwest of 135th and “Q” Streets from CC and GI to NBD – see attached.

67. Ord. to approve a Planned Unit Development Overlay District located northwest of 135th and “Q” Streets, to approve the Development Plan, and to provide for an effective date – see attached.

   (a) Planning Board and Planning Department recommend approval of a request for a Planned Unit Development Overlay District located northwest of 135th and “Q” Streets – see attached.
ORDINANCES ON FIRST READING and Planning Board Attachments

68. Ord. vacating the north/south alley between 19th Street and 20th Street from Pierce Street, south to the Burlington Northern Railroad right-of-way and providing the effective date hereof – see attached.

(a) Planning Board and Planning Department recommend approval of the vacation of the North/South alley between 19th and 20th Streets, from Pierce Street south to the Burlington Northern Railroad right-of-way – see attached.

69. Ord. vacating the east/west alley north of Cuming Street from 24th Street, west 127 feet and providing the effective date hereof – see attached.

(a) Planning Board and Planning Department recommend approval of vacating the east/west alley north of Cuming Street from 24th Street, west 127 feet – Inside City – see attached.

70. Ord. vacating 1.5 feet of the alley adjacent on the west side of Lot 5, Block 12, Parkvale Addition (3018 South 35th Street) and providing the effective date hereof – see attached.

(a) Planning Board and Planning Department recommend approval of vacating 1.5 feet of the alley adjacent on the west side of Lot 5, Block 12, Parkvale Addition (3018 South 35th Street) – Inside City – see attached.
ORDINANCES ON FIRST READING

71. Ord. authorizing the issuance of a purchase order to D. P. C. Industries, Inc. for the purchase of 550,000 gallons of sodium hypochlorite, 325,000 gallons to be utilized at the Missouri River Wastewater Treatment Plant and 225,000 gallons to be utilized at the Papillion Creek Wastewater Treatment Plant in the amount of $340,725.00 to be effective for one year from the date of passage of this Ordinance and is extendable for two one-year periods at the same price with approval of both parties; 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 from a specific account; and to provide an effective date hereof – see attached.

72. Ord. authorizing the issuance of a purchase order to Thatcher Co. of Montana for the purchase of 225,000 gallons of sodium bisulfite, 100,000 gallons to be utilized at the Missouri River Wastewater Treatment Plant and 125,000 gallons to be utilized at the Papillion Creek Wastewater Treatment Plant in the amount of $296,437.50 to be effective for one year from the date of passage of this Ordinance and is extendable for two one-year periods at the same price with approval of both parties; 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 from a specific account; and to provide an effective date hereof – see attached.

73. Ord. to transfer a permanent easement in land in Benson Golf Course, 5333 North 72nd Street, Omaha, Nebraska, to Metropolitan Utilities District (M.U.D.) for purposes to lay, maintain, operate, repair, relay and remove underground pipelines for the transportation of gas and all appurtenances through and under this property; to authorize the Mayor to execute the attached Permanent Easement Agreement; and to provide an effective date thereof – see attached.

74. Ord. to amend Section 31-256 of the Omaha Municipal Code to change the date of the Interceptor Sewer Element of the Omaha Master Plan; and to provide an effective date hereof – see attached.

75. Ord. to amend Section 31-259 of the Omaha Municipal Code to change the Interceptor Sewer fees for new sewer connections; and to provide an effective date hereof – see attached.
76. Ord. to amend Section 53-7 (7) of the Omaha Municipal Code to change the requirements to file a final plat; and to provide an effective date hereof – see attached.

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CHAIRMAN OF THE BOARD OF EQUALIZATION

77. Chairman of the Board of Equalization reports approval of the Plan of Assessment with adjustments and corrections made at their regular meeting held May 5, 2009 – see attached. ((MOTION NEEDED TO APPROVE))

EXECUTIVE SESSION

78. 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.