CITY COUNCIL AGENDA FOR MARCH 23, 2010

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 Councilmember Ben Gray of District No. 2.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT


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.
RESOLUTION

5. Res. that the City Council calls upon our youth to lay down any weapons and disavow the use of violence to settle disputes and embrace respect, tolerance and managing anger in a peaceful way; and We, the City Council of the City of Omaha do hereby declare the week of March 22-26, 2010, as “Violence Prevention Week in Omaha” - see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

6. Ord. to rezone property located North of Old Lincoln Highway and east of 204th Street from DR-Development Reserve District to DR-Development Reserve District, portions of which property lie within the floodway and the flood fringe – over from 3/9/10 and continue the public hearing – see attached. ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))

7. Ord. to rezone property located North of Old Lincoln Highway and east of 204th Street from DR-Development Reserve District, R4-Single Family Residential District (High Density) and R6-Low Density Multiple Family Residential District to R6-Low Density Multiple Family Residential District, portions of which property lie within the floodway and the flood fringe – over from 3/9/10 and continue the public hearing – see attached. ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))

   (a) Planning Board and Planning Department recommend approval of the request to rezone property North of Old Lincoln Highway and east of 204th Street from DR, R4, and R6 to DR and R6, portions of which property lie within the floodway and the flood fringe – over from 3/9/10 – see attached.

8. Ord. to approve a Planned Unit Development Overlay District in a R6-Low Density Multiple Family Residential District for property located North of Old Lincoln Highway and east of 204th Street, to approve the Development Plan, and to provide for an effective date – over from 3/9/10 and continue the public hearing – see attached. ((PUBLIC CONTINUED TO TODAY – CAN BE PASSED TODAY))

   (a) Planning Board and Planning Department recommend approval of the request for a PUD-Planned Unit Development Overlay District in a R6-Low Density Multiple Family Residential District for property located North of Old Lincoln Highway and east of 204th Street – over from 3/9/10 – see attached.
9. Res. that the plat entitled WEST HAMPTON PARK (Lots 5 & 6 and Outlots “A” and “C”) located North of Old Lincoln Highway and east of 204th Street is hereby approved and accepted – Outside City – over from 3/9/10 and continue the public hearing – see attached. ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))

(a) Planning Board and Planning Department recommend approval of the WEST HAMPTON PARK (Lots 5 & 6 and Outlots “A” and “C”) located North of Old Lincoln Highway and east of 204th Street – see attached.

10. Res. that the Subdivision Agreement among the City of Omaha, Edward Rose Development Company, LLC, and Sanitary and Improvement District 489 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, neighborhood park fee and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as West Hampton Park (Lots 5 and 6 with Outlots “A” and “C”) and is located north of Old Lincoln Highway and east of 204th Street – over from 3/9/10 and continue the public hearing – see attached. ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))

**PLAT AND DEDICATION AND SPECIAL USE PERMIT – INDOOR AND OUTDOOR SPORTS AND RECREATION**

11. Plat and Dedication of an irregular piece of land located adjacent to the property at 3417 Vinton Street – Inside City – over from 3/9/10 for publication and public hearing – had publication – see attached. ((PUBLIC HEARING TODAY – CAN BE APPROVED TODAY))

(a) Planning Board and Planning Department recommend approval of the Plat and Dedication of an irregular piece of land located adjacent to the property at 3417 Vinton Street – Inside City – over from 3/9/10 – see attached.
12. Res. that the Special Use Permit application submitted by Silo Extreme Outdoor Adv., LLC for a Special Use Permit to allow Indoor sports and recreation and Outdoor sports and recreation in a GI-General Industrial District, located at 3417 Vinton 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 3/9/10 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 Indoor sports and recreation and Outdoor sports and recreation in a GI District located at 3417 Vinton Street – over from 3/9/10 – see attached.

(b) Communication from Robert Lassek, 3280 Valley Street, supporting the Special Use Permit application of Silo Extreme Outdoor Adventures, LLC. to allow Indoor and Outdoor Sports and Recreation in a GI District located at 3417 Vinton Street – see attached.

LIQUOR

13. CLASS “C” – Collins, Jerry, dba “Up Scale”, 1817 North 33rd Street. New application, New location. Property posted: 02-23-10; Notification sent: 02-26-10 – over from 3/9/10 – see attached. ((PUBLIC HEARING HELD 3/9/10 – YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

(a) Communications supporting the application of Collins, Jerry, dba "Up Scale", 1817 North 33rd Street, for a Class “C” Liquor License – over from 3/9/10 – see attached.

(b) Communication opposing the application of Collins, Jerry, dba “Up Scale”, 1817 North 33rd Street, for a Class “C” Liquor License – over from 3/9/10 – see attached.
14. CLASS “I” – Pinnacle Concepts, LLC, dba “Zurlo’s Bistro Italiano”, 13110 Birch Drive, Suite 100. New application, Old location. Present licensee is Daisy Fritz, LLC, dba “Bianco Ristorante 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))

15. CLASS “I” – The TAJ II, Inc., 654 North 114th Street. New application, New location. Property posted: 03-03-10; Notification sent: 03-12-10 – see attached. ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

16. Blasini, Inc., dba "Attic Bar & Grill", 3231 Harney Street, requests permission for additions to their present Class "C" Liquor License location of an area approx. 31' x 49' to the east and a sidewalk café approx. 8' x 42' to the north. Property posted: 03-03-10; Notification sent: 03-12-10 – 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. 17 through 19 were held on March 16, 2010).

CONSENT AGENDA – ORDINANCES

17. Ord. approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Agreement with Mosaic, Inc. a Nebraska non-profit corporation, 4980 South 118th Street, Omaha, Nebraska 68137, to convey the property described in the attached agreement, near 66th and Sorensen Parkway, in consideration of the sum of One and 00/100 Dollars ($1.00) for development of two (2), six (6) unit residential structures to provide housing for developmentally disabled persons; there are no expenses associated with the transfer of the property to Mosaic, Inc.; and to provide the effective date hereof – see attached.
18. Ord. to amend Sections 24-87 and 24-103 of the Omaha Municipal Code; to amend or clarify the types of public projects to be reviewed by the Urban Design Review Board; to repeal Sections 24-87 and 24-103 as heretofore existing; and to provide the effective date thereof – see attached.

19. 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-171 at City of Omaha, TD Ameritrade Park, 1200 Mike Fahey Street, as requested by Christy Harris of MECA; and to provide the effective date hereof – see attached.

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

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(The public hearings on Agenda Item Nos. 20 through 25 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

20. Res. that, as recommended by the Mayor, the bids from Navarro Enterprise, Swain Construction, US Asphalt, and B&W Company for equipment and crew for emergency pot hole repairs are accepted; and, that the Finance Department is authorized to pay the cost of the equipment and crew up to an estimated cost of $750,000, from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2010 expenditures – see attached.

21. Res. that, as recommended by the Mayor, the attached Loan Agreement between the City of Omaha and Shannon Heights, LLC, a Nebraska Limited Liability Company (LLC); Managing Member: Greater St. Paul Ministries, Inc., a Nebraska Non-profit Corporation, Joseph L. Shannon, Sr., Pastor/CEO, 2223 Miami Street, Omaha, Nebraska, 68110, in the amount of $285,000.00, and partial financing to the LLC to assist in the construction of two, two-bedroom rental units for seniors to be located southwest of 18th and Locust Streets for low-moderate-, and middle-income (LMMI) households with gross annual household incomes at or below 120% of the Median Income by Family Size (MFI) and the conveyance of land to the LLC for the construction of twenty-eight (28) units is hereby approved. Funds in the amount of $285,000.00 shall be paid from the NSP Rental Housing Development Program, Fund No. 12198, Organization No. 129164. The remaining twenty-six (26) rental units for senior households will be constructed at the same location and will be directly assisted with private funds – see attached.
22. Res. that the Mayor is hereby authorized to execute all necessary documents and amendments with the State of Nebraska Department of Economic Development to secure a Nebraska Affordable Housing Trust Fund grant in the amount of Three Hundred Sixty Thousand Dollars ($360,000) to be used for the construction or rehabilitation of 28 affordable rent-to-own single-family housing units in the Holy Name Housing Corporation Village I CROWN Rent to Own Housing Project located at scattered sites in an area bounded by Fort Street, Abbott Drive, Dodge Street and 48th Street – see attached.

23. Res. that, as recommended by the Mayor, the bid in the total amount of $28,362.00, (including Alternate #1 to remove and replace windows on second level north side of the building) from GB Environmental Services, LLC, to furnish all labor, materials and equipment necessary for window renovation at Benson Community Center, 6008 Maple Street, Omaha, Nebraska, for the Parks, Recreation and Public Property Department 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 & Recreation Bond Fund No. 13354, Organization No. 117315, and Activity/Project No. 1868 – see attached.

24. Res. that, as recommended by the Mayor, the acceptance of the bid from Midway Trailers Inc, dba Missouri Great Dane in the amount of thirty-three thousand, seven hundred and sixty-eight dollars ($33,768.00), for an Emergency Command Trailer to serve as a command post for Douglas County Emergency Management, is hereby approved and the Purchasing Agent is authorized to issue such purchase order; and the Finance Department of the City of Omaha is authorized to pay thirty-three thousand, seven hundred and sixty-eight dollars ($33,768.00) budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2007 Homeland Security Grant Program, Grant Award #2007-GE-T7-0035, Fund 12151, Organization 130621 – see attached.

25. Res that, the reappointment by Mayor Jim Suttle of Nancy Rips as a member of the Library Board is hereby confirmed, Such term shall commence on July 1, 2010 and run through June 30, 2013 – see attached.

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

26. Spec. Ord. approving the Omaha Downtown Improvement District Association 2010/2011 Work Plan and Budget, which includes the 2009/2010 Progress Report, Stakeholder Engagement and Research, and 2010/2011 Work Plan and Budget and Program Summary for the Omaha Downtown Improvement District Association (ODIDA) and levying a special tax and assessment on all lots and pieces of real estate within Business Improvement District No. 6874 in the City of Omaha in the amount of $332,645.44; such assessment shall cover the costs anticipated by the Business Improvement District for March 2010 to February 2011 and contemplated by Ordinance No. 37504 which was approved by the City Council of the City of Omaha on October 3, 2006; and to provide an effective date therein – see attached.  ((PUBLIC HEARING HELD 3/16/10 – CAN BE PASSED TODAY))

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

ORDINANCES ON SECOND READING

“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING ON AGENDA ITEM NO. 27
SHALL BE HELD ON THE THIRD READING”

27. Ord. to approve an amendment to the Land Use Element of the Master Plan for the City of Omaha, to change the future land designation from industrial to low density residential for property located Southwest of 42nd and “T” Streets; and to provide for the effective date hereof – see attached.

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28. Ord. to approve the grant of a non-exclusive easement to Lyman Richey Corporation across City owned property located near the intersection of 135th and Stevens Streets, commonly known as 4865 South 135th Street, for vehicular ingress and egress on the terms and conditions set forth in such easement; and to provide an effective date – see attached.  ((PUBLIC HEARING TODAY))
29. Ord. to approve the acceptance of the American Recovery and Reinvestment Act Metro Drug Task Force Justice Assistance Grant, #09-DX-9010, in the amount of $612,235, with a match of $706,920 provided in the form of in-kind contributions by the Metro Drug Task Force, from the State of Nebraska Commission on Law Enforcement and Criminal Justice, during the project period of January 1, 2010 to December 31, 2011, to support the operations and activities of the Metro Drug Task Force; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – see attached.  

((PUBLIC HEARING TODAY))

30. Ord. to amend Section 23 - 177 of the Omaha Municipal Code by changing the title of the employment classification known as Engineering Services Manager to General Services Manager without changing the salary range for the classification of 21.2 MC ($58,791 - $72,415); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – see attached.  

((PUBLIC HEARING TODAY))

31. Ord. to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Graphics Specialist with a salary range of 7.1 MC ($35,184 to $42,575); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – see attached.  

((PUBLIC HEARING TODAY))

32. Ord. to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Marketing Manager with a salary range of 16.1 MC ($50,660 to $60,778); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – see attached.  

((PUBLIC HEARING TODAY))

33. Ord. to approve and authorize payment from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide for payment to Vicky Knight-Poole of $900,000.00 extended over a period through January, 2014; to authorize the settlement of litigation brought by Vicky Knight-Poole and Albert Wesley Poole against the City of Omaha; and to provide an effective date hereof – see attached.  

((PUBLIC HEARING TODAY))
34. Ord. to amend certain portions of Special Levy Ordinance No. 10105 levying an assessment for weed abatement in the year 2010, by adjusting the assessment on the properties legally described as Parcel: 4131-0000-16, Lot 8, Block P, Lowes Addition, 3526 Seward Street; and to provide for an effective date hereof – see attached. ((PUBLIC HEARING TODAY))

35. Spec. Ord. levying a special tax and assessment on certain lots, parts of lots and pieces of real estate in the City of Omaha, to cover the cost of constructing sidewalks in District No. SWR 09-01 – see attached. ((PUBLIC HEARING TODAY))

36. Spec. Ord. levying a special tax assessment for condemned buildings or structures in accordance with Sections 48-93 of the Omaha Municipal Code on certain lots in the City of Omaha. (Group No. 2010-1) – see attached. ((PUBLIC HEARING TODAY))

37. Spec. Ord. 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. 2010-7) – see attached. ((PUBLIC HEARING TODAY))

38. Spec. Ord. levying a special tax assessment for removing dangerous, dead, diseased or overhanging trees in accordance with Sections 37-1 through 37-95 of the Omaha Municipal Code on certain lots in the City of Omaha. (Group No. 2010-8) – see attached. ((PUBLIC HEARING TODAY))

39. Spec. Ord. levying a special tax assessment for removing dangerous, dead, diseased or overhanging trees in accordance with Sections 37-1 through 37-95 of the Omaha Municipal Code on certain lots in the City of Omaha. (Group No. 2010-9) – see attached. ((PUBLIC HEARING TODAY))

RESOLUTIONS

40. Res. that, the City of Omaha Law Department is hereby authorized to conclude the pending litigation entitled Amber Bischof, a Minor, by and through Vickie Bischof, and Vickie Bischof individually, Plaintiffs, v. City of Omaha, a political subdivision, Defendant, Doc. 1090 Page 564, by entry of settlement, including the exchange for the dismissal of all claims, by the payment of the full amount of Fifty Thousand Dollars ($50,000.00) to be paid from Special Levy Judgment Fund No. 12111, Organization No. 121101 and Account No. 46113 – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
ORDINANCE ON FIRST READING

41. Ord. to amend Section 41-2, 41-39, 41-Appendix B of the Omaha Municipal Code. Chapter 41-2 dealing with the adoption, with amendments, of certain air pollution rules and regulations of the State of Nebraska; to provide for adopting such regulations, including the most recent amendments thereto of May 17, 2009, and accepting there from certain prior changes dealing with definitions, enforcement, certain deletions; to amend Section 41-39 dealing with the establishment of Air Quality fees; and to amend section 41-Appendix B dealing with Odorous Sources; and to repeal sections 41-2, 41-39 and 41-Appendix B of the Omaha Municipal Code as heretofore existing and to provide for the effective date hereof – see attached. ((MOTION NEEDED TO SET THE SECOND READING ON 3/30/10 AND THE THIRD READING AND PUBLIC HEARING ON 4/13/10))

EXECUTIVE SESSION

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