

## **CITY COUNCIL AGENDA FOR NOVEMBER 26, 2013**

### **LEGISLATIVE CHAMBERS - 2:00 P.M.**

Agenda and Link to Agenda Items  
Available at <http://www.cityofomaha.org>

#### **ROLL CALL**

1. City Clerk calls the roll.
2. Pledge of Allegiance.
3. Invocation by Councilmember Chris Jerram of District No. 3.

#### **CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT**

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on November 22, 2013, notice re: Pre-Council and Regular City Council Meetings, November 26, 2013.

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.

## **ZONING ORDINANCES ON FINAL READING and Planning Board Attachments**

5. Ord. to rezone the property located at 1231 South 13th Street from GI-General Industrial District to NBD-Neighborhood Business District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
  - (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 1231 South 13<sup>th</sup> Street from GI-General Industrial District to NBD-Neighborhood Business District – [see attached](#).
  
6. Ord. to rezone the property located at 1707 Monroe Street from GC - General Commercial District to R4-Single Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
  - (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1707 Monroe Street from GC to R4 – [see attached](#).
  
7. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the properties located Northwest of 52<sup>nd</sup> and L Streets; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
  - (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the properties located Northwest of 52<sup>nd</sup> and L Streets – [see attached](#).
  
8. Res. that the preliminary plat entitled INTRANSIT 2<sup>ND</sup> ADDITION, located Northwest of 52<sup>nd</sup> and L Streets, 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 11/5/13 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 INTRANSIT 2<sup>ND</sup> ADDITION, a minor plat inside the city limits, located Northwest of 52<sup>nd</sup> and L Streets – Inside City – over from 11/5/13 – [see attached](#).

9. Res. that the replat transmitted herewith entitled INTRANSIT 2<sup>ND</sup> ADDITION, located Northwest of 52<sup>nd</sup> and L Streets, is hereby approved, and concurrently a portion of the existing plat entitled Coastal Addition, and described on said replat, is hereby vacated – Inside City – over from 11/5/13 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 INTRANSIT 2<sup>ND</sup> ADDITION, a minor plat inside the city limits, located Northwest of 52<sup>nd</sup> and L Streets – Inside City – over from 11/5/13 – [see attached](#).
  
10. Res. that, the Subdivision Agreement between the City of Omaha and Mitchell Auto Auction, LLC, a Nebraska Corporation, as recommended by the Mayor, providing for the public improvements, Watershed Management fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Intransit 2<sup>nd</sup> Addition (Lots 1-4) and is located northwest of 52<sup>nd</sup> and “L” Streets – over from 11/5/13 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

**“PURSUANT TO CITY COUNCIL RULE VII H  
 DUE TO NO MEETING BEING HELD DECEMBER 3, 2013  
 AGENDA ITEM NO. 11  
 SHALL BE LAID OVER THREE WEEKS TO DECEMBER 17, 2013  
 FOR PUBLICATION AND PUBLIC HEARING”**

**RESOLUTION RE: PLATS**

11. Res. that the plat entitled COTTAGES OF OAKDALE, located at 9515 West Center Road, is hereby approved and accepted – Inside City – [see attached](#).
  - (a) Planning Board and Planning Department recommend approval of the Final Plat of COTTAGES OF OAKDALE, a cluster subdivision inside the city limits, located at 9515 West Center Road – Inside City – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII E  
AGENDA ITEM NOS. 12 THROUGH 14  
SHALL BE LAID OVER TWO WEEKS  
FOR PUBLICATION AND PUBLIC HEARING”**

12. Res. that the replat transmitted herewith entitled CRESTLINE, located Southeast of 210<sup>th</sup> Street and Cumberland Drive, is hereby approved, and concurrently a portion of the existing plat entitled Skyline Country West, 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 CRESTLINE, a subdivision inside the city limits, located Southeast of 210<sup>th</sup> Street and Cumberland Drive – Inside City – [see attached](#).

**SPECIAL USE PERMIT – AUTOMOTIVE RENTALS**

13. Res. that the Special Use Permit application submitted by Crestline, LLC, for a Special Use Permit to allow Automotive Rentals in a CC-Community Commercial District located Southeast of 210<sup>th</sup> Street and Cumberland Drive, 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 – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Automotive Rentals in a CC-Community Commercial District located Southeast of 210<sup>th</sup> Street and Cumberland Drive – [see attached](#).

**SPECIAL USE PERMIT – CONVENIENCE STORAGE**

- 14. Res. that the Special Use Permit application submitted by Crestline, LLC, for a Special Use Permit to allow Convenience Storage in a CC-Community Commercial District located Southeast of 210<sup>th</sup> Street and Cumberland Drive, 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 – [see attached](#).
  
- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Convenience Storage in a CC-Community Commercial District located Southeast of 210<sup>th</sup> Street and Cumberland Drive – [see attached](#).

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**LIQUOR AND RESOLUTIONS RE: KENO**

- 15. CLASS “C” – Reyna, Beatrice, dba “Brown Derby”, 4036 South 24<sup>th</sup> Street. New application, Old location. Previously licensed to Brown Derby, Inc., dba “Brown Derby”, 4036 South 24<sup>th</sup> Street, who had a Class “C” Liquor License which expired on October 31, 2013 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))
  
- 16. CLASS “C” – Tracks, LLC, dba “Tracks”, 1506 South 60<sup>th</sup> Street. New application, New location. Property posted: 11-14-13; Notification sent: 11-15-13 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

17. CLASS "I" – Doc and Eddie's BBQ, Inc., dba "Doc & Eddie's BBQ", 2056 North 117<sup>th</sup> Avenue. New application, New location. Property posted: 11-14-13; Notification sent: 11-15-13 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))
  
18. CLASS "I" – Guckenheimer Services, LLC, dba "Holland Performing Arts Center", 1200 Douglas Street. New application, Old location. Present licensee is Guckenheimer Enterprises, Inc., dba "Holland Performing Arts Center", 1200 Douglas Street, who has a Class "I" and Catering 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))
  
19. CATERING – Guckenheimer Services, LLC, dba "Holland Performing Arts Center", 1200 Douglas Street. New application, Old location. Present licensee is Guckenheimer Enterprises, Inc., dba "Holland Performing Arts Center", 1200 Douglas Street, who has a Class "I" and Catering 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))
  
20. CLASS "I" – Guckenheimer Services, LLC, dba "Orpheum Theatre", 409 South 16<sup>th</sup> Street. New application, Old location. Present licensee is Guckenheimer Enterprises, Inc., dba "Orpheum Theatre", 409 South 16<sup>th</sup> Street, 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))
  
21. CLASS "I" – Guckenheimer Services, LLC, dba "Weaver Lounge", 401 South 16<sup>th</sup> Street, Suite 100. New application, Old location. Present licensee is Guckenheimer Enterprises, Inc., dba "Weaver Lounge", 401 South 16<sup>th</sup> Street, 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))

22. ON SALE BEER – Rohde, Dylan, dba “Backline Improv Theatre”, 1618 Harney Street. New application, New location. Property posted: 11-12-13; Notification sent: 11-15-13 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))
23. JAX, Inc., dba “Perry’s Place”, 9652 Mockingbird Drive, requests permission for an addition to their present Class “C” Liquor License location to extend their existing beer garden from 16’ x 21’ to 61’ x 60’. Property posted: 11-14-13; Notification sent: 11-15-13 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a layover of the application of JAX, Inc., dba “Perry’s Place”, 9652 Mockingbird Drive, until an amendment has been filed to amend the size of the beer garden – [see attached](#).
24. Chang Jiang Enterprises, Inc., dba “Mai Thai”, 14618 West Center Road, requests permission for additions to their present Class “I” Liquor License of an area approx. 25’ X 70’ to the south and a sidewalk café approx. 5’ x 18’ to the east. Property posted: 11-14-13; Notification sent: 11-15-13 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division re: Chang Jiang Enterprises, Inc., dba “Mai Thai”, 14618 West Center Road – [see attached](#).
- (b) Communication from Cynthia E. Epstein, Attorney representing Chang Jiang Enterprises, Inc., dba “Mai Thai”, 14618 West Center Road, requesting to amend the application for a Change of Location to remove the sidewalk café area approx. 5’ x 18’ to the east – [see attached](#).

25. Packard Hospitality Management, LLC, dba “DoubleTree Suites by Hilton Omaha”, 7270 Cedar Street, requests permission to appoint Michael J. Kosalka manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
  
26. XV Restaurant, LLC, dba “Zin Room”, 316 South 15<sup>th</sup> Street, requests permission to appoint Michael L. Fischer manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
  
27. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 3121 N. 108<sup>th</sup> Street, Homely Dan’s Eatry, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
  
28. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Twisted Post Bar & Grill, 14901 Industrial Road, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED 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. 29 through 30 were held on November 19, 2013.)



**CONSENT AGENDA – ORDINANCES**

- 29. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Fair Deal, L.P., a Nebraska limited partnership, to implement the Village East Senior Apts Tax Increment Financing Redevelopment Project Plan for a project located at the 2011 North 25<sup>th</sup> Street which contemplates the construction of an approximately 45,000 gross square feet, new three-story, forty (40) unit multi-family structure for individuals age 55 and older; the agreement authorizes the use of up to \$163,992.00 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](#).
  
- 30. 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-180 at 14302 FNB Parkway as requested by Jay Noddle of TenVentures, LLC; 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. 31 through 45 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**

- 31. Res. that, as recommended by the Mayor, the contract with Oscar Renda Contracting, Inc. for OPW 52222 (CSO), being South Interceptor Force Main – Central Segment and South Gravity Sewer, and OPW 51873 (CSO), being South Interceptor Force Main – South Segment in the amount of \$20,400,105.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918, year 2013 expenditures – [see attached](#).

32. Res. that, as recommended by the Mayor, the contract with Ray Martin Company for OPW 52504-SP, being steam coil replacement at the Swanson Library located at 9101 Dodge Street in the amount of \$70,300.00 which includes Alternate No. 1 as detailed in the bid tabulation is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2010 Public Facilities Bond Fund 13245, Public Facilities Capital Organization 116262, year 2013 expenditures – [see attached](#).
  
33. Res. that, as recommended by the Mayor, the contract with Ronco Construction Co. for OPW 52515-SP, being repair of a bridge deck on 13<sup>th</sup> Street between Farnam and Douglas Streets in the amount of \$40,599.30 is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2010 Transportation Bond Fund 13183, 2010 Transportation Bond Organization 117117, year 2013 expenditures – [see attached](#).
  
34. Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Tab Holding Company, Inc., DBA Tab Construction for HSIP-5015(1), State Control No. 22372, and OPW 51643, being the 102<sup>nd</sup> Street and Maple Street Intersection Improvement project, in the amount of \$528,397.32, which the City preserves a 10% maximum local share should Federal Safety funds become limited in the amount of \$52,839.73 (if needed), to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, in accord with the approved program agreement with NDOR for the project; and that the City Council hereby authorizes the Mayor and City Clerk to sign the bid concurrence on behalf of the City of Omaha, and that the Mayor and City Clerk are also authorized to sign the attached NDOR documents – [see attached](#).
  
35. Res. that, as recommended by the Mayor, the Amendment to the Agreement between the City of Omaha and Energy Systems Company, dated March 7, 1967, to provide for the installation of new chilled water piping from an existing vault in 15<sup>th</sup> Street between Dodge Street and Douglas Street directly eastward to serve the Union Pacific Headquarters Building, is hereby approved – [see attached](#).

36. Res. that, as recommended by the Mayor, Amendment No. 3 to the Engineering Services Agreement with Snyder & Associates, Inc. for the provision of additional final design engineering and utility coordination services on OPW 52344, being the Dundee Business District Streetscape Improvement Project, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$140,000.00 for these engineering services from the 2010 Transportation Bond Fund 13183, Capital Grants – Transportation Organization 132044 – [see attached](#).
  
37. Res. that, as recommended by the Mayor, the Professional NEPA and Preliminary Engineering Services Agreement with the HNTB Corporation for the North Downtown Riverfront Pedestrian Bridge TCSP Infrastructure Project, known as Federal Aid Project TCSP-28(114), State Control No. 22571, located in the North Downtown Area near the Bob Kerrey Pedestrian Bridge; and the Finance Department is authorized to pay the City's local share not to exceed \$101,159.02, to be paid from the 2010 Transportation Fund 13183, Organization 117117, 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](#).
  
38. Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates to conduct the City of Omaha NODO Freight Plan project, located in the North Downtown Omaha Area, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$32,434.96, which is to be paid from the Street and Highway Allocation Fund 12131, Traffic Capital Organization 116189 – [see attached](#).
  
39. Res. that, as recommended by the Mayor, the Public Works Department requests that the contract with Trans-Continental Consultants, Inc. for construction inspection and project management services for facilities remodeling and construction projects for the year 2014 be approved; further that the Finance Department is authorized to pay an amount not to exceed \$68,380.00 for these services from various project funding sources as identified in the City's Capital Improvement Program (Public Facility Bond, Public Safety Bond, Library Capital Bond, MIRF, etc.) – [see attached](#).

40. Res. that, as recommended by the Mayor, the purchase order to the Metropolitan Area Planning Agency (MAPA) for the procurement of digital map products, as a part of 2013-2018 Capital Improvements Program Transportation Project 504, for use in the development of a regional master plan for bicycle and pedestrian access, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$28,000 from the 2010 Transportation Bond Fund 13183, Organization 128026 – [see attached](#).
  
41. Res. that as recommended by the Finance Director and Mayor, the donation of a concrete gas exhaust building, near 100 Bancroft Street, in the Omaha Botanical Center, unusable for City purposes as provided in Section 5.21 of the Home Rule Charter, to the Omaha Botanical Center Inc., is hereby approved; and further be it resolved, that the City Council hereby authorizes the Mayor to executed a Bill of Sale for the concrete gas exhaust building, near 100 Bancroft Street, to the Omaha Botanical Center Inc – [see attached](#).
  
42. Res. that, the bids from Oldcastle Materials Midwest Co. dba Omni Engineering, Flinn Paving Co., Inc., and Logan Contractors Supply, Inc. for asphalt patching materials purchased for the 2013-2014 winter season, are hereby approved; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2013 expenditures – [see attached](#).
  
43. Res. that the attached Agreement between the City of Lincoln and the City of Omaha, extending the term of their existing Interlocal Agreement for the execution of the reEnergize Program, from May 31, 2013, to December 31, 2013, is hereby approved – [see attached](#).

44. Res. that, as recommended by the Mayor, the Professional Services Agreement between the City of Omaha and Big Muddy Workshop, Inc., in the total amount of \$128,721.00, to provide professional design and engineering services to prepare plans and specifications for the Riverfront Trail Phase 4 project from Miller's Landing Park, 151 Freedom Park Road to Kiwanis Park, 1524 East Locust Street, and from the northeast side of Levi Carter Park, 809 Carter Lake Shore Drive, to Locust Street, at the southwest side of Levi Carter Park. BE IT FURTHER RESOLVED that the Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds for these services shall be paid from the 2010 Parks & Recreation Fund No. 13355 and Organization No. 117317, Parks & Cultures Bonds – [see attached](#).
45. Res. that, as recommended by the Mayor, the bid in the total amount of \$28,220.60, from Drake-Williams Steel for the purchase of galvanized steel to construct the greenhouse at Hanscom Park, 3201 Woolworth Avenue, being the lowest and best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond – [see attached](#).

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

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD DECEMBER 3, 2013  
THE THIRD READING AND PUBLIC HEARINGS  
ON AGENDA ITEM NOS. 46 THROUGH 47  
SHALL BE HELD ON DECEMER 10, 2013”**

**ZONING ORDINANCES ON SECOND READING**

46. Ord. to rezone property located generally, 133rd Street south of Larimore Avenue and north of Meredith Avenue from DR-Development Reserve District and R5-Urban Family Residential District to R6-Low-Density Multiple Family Residential District.

47. Ord. to approve a PUD-Planned Unit Development Overlay District in a R6-Low-Density Multiple Family Residential District located generally, 133rd Street south of Larimore Avenue and north of Meredith Avenue, to approve the Development Plan, and to provide for an effective date – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD DECEMBER 3, 2013  
THE THIRD READINGS  
ON AGENDA ITEM NOS. 48 THROUGH 64  
SHALL BE HELD ON DECEMBER 10, 2013”  
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

**ORDINANCES ON SECOND READING**

48. Ord. to exercise the prior option to extend a contract by two years, to be effective from January 1, 2014 through December 31, 2015, initially approved by the City Council by Ordinance No. 38595, with Merrell Brothers, Inc. for OPW 51819, being transportation of sludge cake from the Missouri River and Papillion Creek Wastewater Treatment Plants in the amount of \$798,940.00, plus CPI escalation; 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 specific accounts; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
49. Ord. to accept the bids from Navarro Lawn & Landscape and Big Smith Enterprises for grounds maintenance of City rights-of-way as detailed in the attached bid tabulation for a two year period ending December 31, 2015; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

50. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described properties located at 5026 S. 19th Street, and legally described in the attached Donation Agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2013 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 two Agreements between the City of Omaha and Philip D. Landrum, 10105 Sterling Court, Wichita, KS 67205, to accept the donation of said residential property at no cost to the city is approved; no expenses are associated with the acceptance of the donation; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
51. 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 Habitat for Humanity of Omaha, Inc., a Nebraska non-profit Corporation, 1701 N. 24<sup>th</sup> Street, Omaha, NE 68110, to convey property located at 4541 Saratoga St. and 3002 N. 41<sup>st</sup> St., and legally described in the attached agreement, for use in development of affordable housing, located within the North Omaha Neighborhood Redevelopment Strategy area, in consideration of the sum of One and 00/100 Dollars (\$1.00); there are no expenditures associated with the conveyance of the property; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
52. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described properties located at 1718 S. 29th Street, and legally described in the attached Donation Agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2013 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 two Agreements between the City of Omaha and Wells Fargo Bank, N.A., 1 Home Campus, Des Moines, IA 50328-0001, to accept the donation of said residential property at no cost to the city is approved; no expenses are associated with the acceptance of the donation; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))



53. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described properties located at 4102 Cuming Street, and legally described in the attached Donation Agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2013 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 two Agreements between the City of Omaha and Wells Fargo Bank, N.A., 1 Home Campus, Des Moines, IA 50328-0001, to accept the donation of said residential property at no cost to the city is approved; no expenses are associated with the acceptance of the donation; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
54. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and HEARST PROPERTIES INC, a Delaware corporation, to implement the KETV Office and Studio Facility Tax Increment Financing Redevelopment Project Plan located at 1001 South 10<sup>th</sup> Street which contemplates the adaptive reuse and conversion of the two-story, historic former Burlington Railroad Station into an approximately 47,000 square foot office headquarters and studio facility for KETV; the agreement authorizes the use of up to \$1,279,845.00 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))
55. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 100 South 19th Street, LLC, a Nebraska limited liability company, to implement The Wire Tax Increment Financing Redevelopment Project Plan located at 100 South 19<sup>th</sup> Street which contemplates the adaptive re-use and conversion of a historically significant office building into a mix of uses, including market-rate apartments, 134 parking stalls within the building, commercial space on the ground floor and other apartment complex amenities; the agreement authorizes the use of up to \$6,400,000.00 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))



56. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 1011 SOUTH 30<sup>TH</sup> AVE, LLC, a Nebraska limited liability company, to implement the 1011 South 30<sup>th</sup> Avenue Tax Increment Financing (TIF) Redevelopment Project Plan located at 1011 South 30th Avenue which proposes the complete rehabilitation of a vacant, two-story multi-family structure into a 15 unit market-rate apartment building within the Park Avenue and Leavenworth neighborhoods; the agreement authorizes the use of up to \$145,000.00 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))
  
57. Ord. to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled General Services Division Manager with a salary range of 26.2 MC (\$77,772-\$97,746); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
  
58. Ord. to approve the granting of a Utility Easement pursuant to an Agreement between the City of Omaha, a municipal corporation and Omaha Cellular Telephone Company d/b/a Verizon Wireless on a strip of property located adjacent to Fire Station 42 at 3120 North 102<sup>nd</sup> Street, Omaha, Nebraska 68164; to allow for access to property leased previously for purpose of maintenance and enhancing operation facility within the leased space for fifteen hundred dollars (\$1,500); and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
  
59. Ord. to approve a contract between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Elkhorn High School, located at 711 Veterans Drive, 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 13, 2013 and ending at the close of the 2015 - 2016 school year. The reimbursement payment from the Elkhorn Public Schools to the City will be in the amount of \$163,846.80 for the officer; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

60. Ord. to approve a contract between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Millard North High School located at 1010 South 144th Street, and Millard South High School located at 14905 "Q" 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 12, 2013 and ending at the close of the 2015 – 2016 school year. The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$327,693.60 for the two officers; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
61. Ord. to approve a contract between the City of Omaha and Westside Community Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Westside High School located at 87th and Pacific Street, 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 14, 2013 and ending at the close of the 2015 – 2016 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; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
62. Ord. to approve an Agreement between the City of Omaha and the Omaha Schools Foundation, as fiscal sponsor, for the Greater Omaha Attendance and Learning Services (GOALS) Center in the amount of fifty thousand and five hundred dollars (\$50,500) to provide services and programs to juveniles in Omaha during the period of July 1, 2013 to June 30, 2014; to authorize funding for such agreement from the 2013 Juvenile Services Grant Funds #13-JS-412; and 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))

63. Ord. to approve the acceptance of the FY 2013 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, #2011-WE-AX-0018 Supplement number 01, in the amount of six hundred and fifty thousand dollars (\$650,000) from the United States Department of Justice, Office on Violence Against Women, during the project period of October 1, 2013 to September 30, 2016, to support and enhance Omaha's coordinated community response to domestic violence; 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))

64. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2013 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods): Category 3, grant award #2013-GP-BX-0002, in the amount of one hundred and fifty thousand dollars (\$150,000), during the project period extending from October 1, 2013 to September 30, 2015; to provide funding to reduce gun and gang violence in Omaha and neighboring communities; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

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65. Ord. establishing the Blackstone Business Improvement District (BID No. 6877) under the authority of the Business Improvement District Act, Neb.Rev.Stat. § 19-4105, et seq. for the purpose of providing specified activities, work and improvements in the Blackstone area (Farnam Street between 36<sup>th</sup> and 42<sup>nd</sup> Streets) of Omaha, Nebraska; to create the Blackstone Business Improvement District pursuant to the City Council's Resolution of Intention to so establish; to define the boundaries of such District; to identify that the properties benefited by the streetscape improvements will be subject to special assessments in accordance with the Blackstone Business Improvement District Plan; to provide for special assessment in an amount not to exceed \$18,750 for cleaning and maintenance, security, lighting, promotion, and beautification to be imposed upon such District based upon the benefits conferred; to provide for the assessment of property specially benefited within the District; to provide a method of assessment to be assessed upon properties specially benefited by the District; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TO BE HELD ON THIRD READING ON DECEMBER 10, 2013))

**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD DECEMBER 3, 2013  
THE THIRD READING AND PUBLIC HEARINGS  
ON AGENDA ITEM NOS. 66 THROUGH 67  
SHALL BE HELD ON DECEMBER 17, 2013”**

**ZONING ORDINANCES ON FIRST READING and Planning Board Attachments**

66. Ord. to rescind the PUD-Planned Unit Development Overlay District for the property located at 9515 West Center Road, originally enacted under City Council Ordinance No. 38131 dated June 17, 2008; to rescind the Development Plan; and to provide for an effective date – [see attached](#).

(a) Planning Board and Planning Department recommend approval of the request to repeal the PUD-Planned Unit Development Overlay District for property located at 9515 West Center Road – [see attached](#).

67. Ord. to rezone property located at 9515 West Center Road from R6-Low-Density Multiple-Family Residential District to R5-Urban Family Residential District – see attached.

(a) Planning Board and Planning Department recommend approval of a request to rezone property located at 9515 West Center Road from R6 to R5 – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD DECEMBER 3, 2013  
THE SECOND READING AND PUBLIC HEARINGS  
ON AGENDA ITEM NOS. 68 THROUGH 70  
SHALL BE HELD ON DECEMBER 10, 2013”**

**ORDINANCES ON FIRST READING**

68. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 5014 North 23rd Street and legally described as Lot 4, Block 5, Patricks 2nd Saratoga Addition, and as legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2013 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose 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 Dale E. Kellogg, 3414 Augusta Court, Hayward, CA 94542, to acquire the property for the sum of Fifteen Thousand Dollars and no/100 Dollars (\$15,000.00) is approved; project costs will be paid from FY 2013 Community Development Block Grant Funds, Fund No. 12186, Organization No. 128072, Project No. 4134, Task 18.2, Award 100061; and to provide the effective date hereof – [see attached](#).
69. Special Ordinance levying a special tax and assessment on those lots and pieces of real estate within the Benson Business Improvement District No. 6875 and the City of Omaha to cover the costs and expenses of the Benson Business Improvement District No. 6875 created by Ordinance No. 38876 on November 20, 2010 and amended by Ordinance No. 39207 on December 20, 2011 which remain unpaid. Whereas, it having been and hereby is adjudged, determined and established that the several lots and pieces of real estate hereinafter referred to have each been specially benefited to the full amount herein levied and assessed against each of said lots and pieces of real estate, respectively, by reason of the work performed by the Benson Business Improvement District No. 6875 in the 2012 calendar year. Therefore for the purposes of paying for those costs of said improvements that have not yet been paid – [see attached](#).

70. Special Ordinance levying a special tax and assessment on those lots and pieces of real estate within the Dundee Business Improvement District No. 6876 and the City of Omaha to cover the costs and expenses of the Dundee Business Improvement District No. 6876 created by Ordinance No. 39268 on March 13, 2012 which remain unpaid. Whereas, it having been and hereby is adjudged, determined and established that the several lots and pieces of real estate hereinafter referred to have each been specially benefited to the full amount herein levied and assessed against each of said lots and pieces of real estate, respectively, by reason of the work performed by the Dundee Business Improvement District No. 6876 in the 2012 calendar year. Therefore for the purposes of paying for those costs of said improvements that have not yet been paid – [see attached](#).

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**EXECUTIVE SESSION**

71. 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.**

**SUPPLEMENT TO THE CITY COUNCIL AGENDA FOR NOVEMBER 26, 2013**

**LEGISLATIVE CHAMBERS - 2:00 P.M. - PREPARED November 25, 2013 AT 1:00 P.M.**

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

**MAYOR'S VETO**

72. Mayor's Veto Message – [see attached](#). ((MOTION NEEDED TO OVERRIDE THE MAYOR'S VETO))
- (a) Res. that at the request of Councilmember Franklin Thompson, the legislative package of the City of Omaha for the Second Session of the One-Hundred and Third Legislature of the State of Nebraska shall include a proposal to allow residents of Omaha's extra territorial planning area (3 miles) to vote in city elections – [see attached](#).

**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD DECEMBER 3, 2013 THE SECOND READING AND PUBLIC HEARING ON AGENDA ITEM NO. 73 SHALL BE HELD ON DECEMBER 10, 2013”**

**ADDITIONAL ORDINANCE ON FIRST READING**

73. Ord. to approve amendments to Article 44 of the Collective Bargaining Agreement between the City of Omaha and the Professional Firefighters Association of Omaha, Local No. 385; AFL-CIO-CLC for a term of December 26, 2010 to December 20, 2014; 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; and to provide the effective date thereof – [see attached](#).

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.

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