

16th REGULAR OMAHA CITY COUNCIL MEETING

MAY 5, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, May 5, 2015 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Pete Festersen.

ROLL CALL

1. City Clerk calls the roll.

CCID # 555 – Present: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Franklin T. Thompson of District No. 6.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on May 1, 2015, notice re: Pre-Council and Regular City Council Meetings, May 5, 2015.

CCID # 556 – From Chair on File

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

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

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 5 THROUGH 6
SHALL BE LAID OVER TWO WEEKS
FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMIT – PERSONAL IMPROVEMENT SERVICES AND PERSONAL SERVICES

5. Res. that the Special Use Permit application submitted by Omaha Blue Wave for a Special Use Permit to allow Personal Improvement Services in a GI-General Industrial District, located at 13801 Industrial Road, 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](#).

Notice of public hearing on May 19, 2015 published in the Daily Record on May 8, 2015.

CCID # 562 – Over two weeks to May 19, 2015 for publication and public hearing pursuant to City Council Rule VII E.

6. Res. that the Special Use Permit application submitted by Omaha Blue Wave for a Special Use Permit to allow Personal Services in a GI-General Industrial District, located at 13801 Industrial Road, 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](#).

Notice of public hearing on May 19, 2015 published in the Daily Record on May 8, 2015.

CCID # 563 – Over two weeks to May 19, 2015 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the request of Omaha Blue Wave for Special Use Permits to allow Personal Improvement Services and Personal Services in a GI District, located at 13801 Industrial Road – [see attached](#).

563 – Over to 05/19/15

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LIQUOR

7. CLASS "C" – Alegria, LLC, dba "Cilantros Mexican Bar & Grill", 7515 Pacific Street, Suite A. New application, New location. Property posted: 04-20-15; Notification sent: 04-24-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 557 – ADOPTED 7-0

8. PACKAGE – CSN Quik Spot, LLC, dba "The Quik Spot", 1941 South 42nd Street, Suite 300. New application, Old location. Present licensee is MLB Team, LLC, dba "The Quik Spot on Center", 1941 South 42nd Street, Suite 300, who has a Package 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))

Cynthia Nowak, representing CSN Quik Spot, LLC, 1941 South 42nd Street, Suite 300, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 558 – ADOPTED 7-0

9. Candlelight Lounge, Inc., dba "Alderman's Bar", 3216 Leavenworth Street, requests permission for an addition to their present Class "C" Liquor License location of an outdoor area approx. 33' x 40' to the west. Property posted: 04-20-15; Notification sent: 04-24-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Mark McClellan, 3216 Leavenworth Street, appeared and spoke.

CCID # 559 – Motion by Jerram that the request be approved contingent upon their compliance with the City of Omaha Planning Department, proper permits obtained and the agreed upon statement of Candlelight Lounge, Inc.

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay-over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: Candlelight Lounge, Inc., dba "Alderman's Bar", 3216 Leavenworth Street for an addition to the present Class "C" Liquor License location – [see attached](#).

559 – From Chair on File

- (b) Communication supporting the application of Candlelight Lounge, Inc., dba "Alderman's Bar", 3216 Leavenworth Street, for an addition to their present Class "C" Liquor License location – [see attached](#).

559 – From Chair on File

- (c) Statement of Candlelight Lounge, Inc., dba "Alderman's Bar", 3216 Leavenworth Street – [see attached](#).

559 – From Chair on File

- 10. FS Brewing, Inc., dba "Scriptown Brewing Company", 3922-3924 Farnam Street, requests permission for an addition to their present Class "C" Liquor License location of an outdoor area approx. 23' x 14' to the south. Property posted: 04-20-15; Notification sent: 04-24-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: John Fahrer, Co-owner, Scriptown Brewing Company, 3922-3924 Farnam Street
Scott Stephens, Co-owner, Scriptown Brewing Company, 3922-3924 Farnam Street

CCID # 560 – Application read

Motion by Jerram that the request be APPROVED AS AMENDED

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

- (a) Communication from John R. Fahrer, President of FS Brewing, Inc., dba “Scriptown Brewing Company”, 3922-3924 Farnam Street, requesting to amend their application for an addition to extend the size of the outdoor area from 23’ x 14’ to the south to 29’ x 25’ to the south – [see attached](#).

560 – Motion by Jerram that the Amendment be approved

Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr.

President

Motion Carried 7-0

11. Kona Sushi, Inc., dba “Kona Grill”, 295 North 170th Street, requests permission to appoint Christopher M. Congdon manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Christopher Congdon, General Manager, Kona Grill, 295 North 170th Street, appeared and spoke.

CCID # 561 – Motion by Thompson that the request be approved

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 12 through 14 were held on April 28, 2015.)

CONSENT AGENDA – ORDINANCES

12. Ord. (1) to approve an agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of forty four thousand and seven hundred nineteen dollars (\$44,719); and (2) to authorize funding for such agreement from the FY 2013 Edward Byrne Memorial Justice Assistance Grant Program, award #2013-DJ-BX-0974, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to employ a North Omaha Gang Specialist; 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](#).

(See Doc. # 494 – April 21 and April 28 Meetings)

Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

CCID # 494 – Motion by Gernandt that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40331 – PASSED 7-0

13. Spec. Ord. levying a special tax assessment for the removal of weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2015-08 – [see attached](#).

(See Doc. # 496 – April 21 and April 28 Meetings)

Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Special Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

CCID # 496 – Motion by Gernandt that the Special Ordinance be passed

Seconded by Gray

ROLL CALL:

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

SPECIAL ORDINANCE # 10183 – PASSED 7-0

- 14. Spec. Ord. levying a special tax assessment for the removal and/or trimming of trees, bushes, shrubs, hedges and any other vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2015-09 – [see attached](#).
(See Doc. # 497 – April 21 and April 28 Meetings)
Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Special Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

CCID # 497 – Motion by Gernandt that the Special Ordinance be passed
Seconded by Gray
ROLL CALL:
Yeas: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr. President
SPECIAL ORDINANCE # 10184 – PASSED 7-0

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

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(The public hearings on Agenda Item Nos. 15 through 20 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

- 15. Res. that, Councilmembers Franklin Thompson, Garry Gernandt, and Rich Pahls shall assess damages, if any, to owners and parties affected by the vacation of 21st Street and 22nd Street from Burt Street to Cuming Street and the east/west alley between Burt Street and Cuming Street from 21st Street to 22nd Street – [see attached](#).

Motion by Melton that the Resolution be adopted
Seconded by Gray
ROLL CALL:
Yeas: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 564 – ADOPTED 7-0

- 16. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Elliott Sanitation Equipment Company for the purchase of two combination catch basin and high pressured sewer cleaners, one to be utilized by the Sewer Maintenance Division and one to be utilized by the Environmental Quality Control Division, plus an optional tool box for Sewer Maintenance in the total amount of \$601,756; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Sewer Maintenance Organization 116511 in the amount of \$304,878.00 and from the Stormwater Fee Revenue Fund 12182, Stormwater Management Organization 116312 in the amount of \$296,878.00, year 2015 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 565 – ADOPTED 7-0

- 17. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Truck Center Companies for the purchase of two 60,000 GVW tandem axle truck chassis and cabs, one to be utilized by the Sewer Maintenance Division and one to be utilized by the Environmental Quality Control Division; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Sewer Maintenance Organization 116511 in the amount of \$87,725.00 and from the Stormwater Fee Revenue Fund 12182, Stormwater Management Organization 116312 in the amount of \$87,725.00, year 2015 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 566 – ADOPTED 7-0

- 18. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to KM International, Inc. for the purchase of trailer mounted asphalt recycler to be utilized by the Street Maintenance Division in the amount of \$63,680.00; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2015 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 567 – ADOPTED 7-0

- 19. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$33,500.00 for the rehabilitation and lead reduction work to the property located at 2512 Spencer Street, Omaha, NE 68111, owned by John J. Malone Sr. and Karen R. Malone, 11806 Washington Circle, Omaha, Nebraska 68137, is hereby approved. Funds in the amount of \$33,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Melton that the Resolution be adopted
Seconded by Gray
ROLL CALL:
Yeas: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 568 – ADOPTED 7-0

- 20. Res. that as recommended by the Mayor and the Finance Director, the donation of a 1973 mobile home, unusable for any City purpose, as provided in Section 5.21 of the Home Rule Charter, to Tom Cullen, is hereby confirmed and approved – [see attached](#).

Motion by Melton that the Resolution be adopted
Seconded by Gray
ROLL CALL:
Yeas: Gernandt, Gray, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 569 – ADOPTED 7-0

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

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ORDINANCES ON FINAL READING

- 21. Ord. to create Street Improvement District No. 6876, in the City of Omaha, for the purpose of improving Poppleton Avenue from South 78th Avenue to South 80th Street by grading, curbing and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 493 – April 21 and April 28 Meetings)
Notice of public hearing on May 5, 2015 published in the Daily Record on April 23, 2015. Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Patrick Donahue, 1301 South 80th Street
Jake Walker, 7940 Poppleton Avenue
Fred Gacek, 1123 South 80th Street
Protestant: Fred Gacek, 1123 South 80th Street
For the City: Bob Stubbe, Public Works Director
Heather Tippey Pierce, Public Works Department

CCID # 493 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40332 – PASSED 7-0

- (a) Petition submitted by owners of lots abutting Poppleton Avenue from 79th Street to 80th Street requesting the City Council for the City of Omaha to create a Street Improvement District for this area – [see attached](#).

493 – From Chair on File

22. Ord. to amend Sections 40-7 through 40-55, Sections 40-86 through 40-105, Sections 40-176 through 40-205, Sections 40-268 through 40-278, Sections 40-298 through 40-308, Sections 40-332 through 40-340, Sections 40-374 through 40-384, Sections 40-419 through 40-425, Sections 40-490 through 40-505, Sections 40-537 through 40-541, of the Omaha Municipal Code Chapter 40, to repeal as heretofore existing and delete Sections 40-56 through 40-85, 40-165 through 40-172, 40-258 through 40-263, 40-396 through 40-418, 40-515 through 40-525, in their entirety; to harmonize procedures for the examination, licensing, and review of competency of various trades through the elimination of separate licensing boards; add a new Article XII to provide for the creation of the Examination and Licensing Board; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 4/28/15 – CAN BE PASSED TODAY))
(See Doc. # 500 – April 21 and April 28 Meetings)
Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Jennifer Taylor, Assistant City Attorney
Buster Brown, City Clerk

CCID # 500 – Ordinance read

Motion by Melton that the Ordinance be Passed

Seconded by Jerram

ROLL CALL:

Yeas: Melton, Pahls, Thompson,

Nays: Gernandt, Gray, Jerram, Mr. President

Motion LOST 3-4

- (a) Communication in opposition of the Ordinance to amend sections of Chapter 40 of the Omaha Municipal Code – over from 4/28/15 – [see attached](#).

(See Doc. # 500 – April 28 Meeting)

500 – From Chair on File

- (b) Communications in opposition of the Ordinance to amend sections of Chapter 40 of the Omaha Municipal Code – [see attached](#).

(See Doc. # 500 – April 28 Meeting)

500 – From Chair on File

- (c) Document submitted by Jennifer Taylor, Assistant City Attorney, re: City of Omaha Boards, Commissions and Committees – [see attached](#).

500 – From Chair on File

- (d) Amendment of the Whole requested by the Administration – [see attached](#).

500 – Motion by Melton that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Thompson

ROLL CALL:

Yeas: Melton, Pahls, Thompson,

Nays: Gernandt, Gray, Jerram, Mr. President

Motion LOST 3-4

- 23. Ord. to amend Sections 44-51 through 44-64 of the Omaha Municipal Code Chapter 44, Article III. Electricians, regarding the licensing and examination of electricians, to repeal as heretofore existing and delete Sections 44-81 through 44-93 in their entirety; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 4/28/15 – CAN BE PASSED TODAY))

(See Doc. # 501 – April 21 and April 28 Meetings)

Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

Buster Brown, City Clerk, appeared and spoke.

CCID # 501 – Motion by Jerram that the Ordinance NOT be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Pahls, Thompson, Mr. President

Nays: Gernandt

Pass: Melton

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gray, Jerram, Pahls, Thompson, Mr. President

Nays: Gernandt, Melton

Motion Carried 5-2

Councilmember Thompson requested to change his “yes” vote a “no” vote

No objection raised

Motion that the Ordinance NOT be Passed Carried 4-3

Yeas: Gray, Jerram, Pahls, Festersen

Nays: Gernandt, Melton, Thompson

24. Ord. to amend Chapter 51 Signs and Awnings, Article I. Administration, of the Omaha Municipal Code; to amend Sections 51-1 thru 51-11 and Sections 51-31 thru 51-36; to repeal and delete Section 51-12 of the Omaha Municipal Code as heretofore existing regarding certificates of competency for sign erection; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 4/28/15 – CAN BE PASSED TODAY))
(See Doc. # 502 – April 21 and April 28 Meetings)
Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

Buster Brown, City Clerk, appeared and spoke.

CCID # 502 – Motion by Jerram that the Ordinance NOT be passed

Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Gray, Jerram, Mr. President

Nays: Melton, Pahls, Thompson

Motion Carried 4-3

25. Spec. Ord. levying a special tax assessment for the 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: 2015-07 – [see attached](#). ((PUBLIC HEARING HELD 4/28/15 – CAN BE PASSED TODAY))
(See Doc. # 495 – April 21 and April 28 Meetings)
Notice of public hearing on April 28, 2015 published in the Daily Record on April 24, 2015. Special Ordinance passed on May 5, 2015 published in the Daily Record on May 13, 2015.

CCID # 495 – Special Ordinance read

Motion by Jerram that the Special Ordinance be PASSED AS AMENDED

Seconded by Gray

ROLL CALL:

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

SPECIAL ORDINANCE # 10185 – PASSED AS AMENDED 7-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

495 – Motion by Jerram that the Amendment be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

RESOLUTION

26. Res. that the City Law Department be directed to pay the bill submitted by Alegent-Creighton Health for necessary medical treatment rendered to an individual in police custody, namely Brian Hanzlik-Stuart, for treatment provided from October 10, 2014 through December 4, 2014 in an amount not to exceed \$352,263.09, and that the City Finance Department shall issue such warrant as necessary with said funds to be paid from Contingent Liability Fund No. 12112, Organization No. 122101, Account No. 46113 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Rosemarie Lee, Assistant City Attorney

Paul Kratz, City Attorney

Motion by Gray that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 572 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 27 THROUGH 38
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

27. Ord. to rezone property located at 1502 and 1506 Mike Fahey Street from DS – Downtown Service District to CBD – Central Business District.
(See Doc. # 528 – April 28 Meeting)

CCID # 528 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

28. Ord. to rezone property located at 1515 Cuming Street from DS – Downtown Service District to CBD – Central Business District.
(See Doc. # 529 – April 28 Meeting)

CCID # 529 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

29. Ord. to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located northeast of Cuming Street and 25th Avenue; and to provide for an effective date – see attached.
(See Doc. # 530 – April 28 Meeting)

CCID # 530 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

30. Ord. to rezone property located Northeast of Cuming Street and 25th Avenue from DR – Development Reserve District and R7 – Medium-Density Multiple-Family Residential District to CC – Community Commercial District.
(See Doc. # 531 – April 28 Meeting)

CCID # 531 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

31. Ord. to rezone the property located northwest of 30th Street and Sorensen Parkway from R4-Single Family Residential District (High-Density) and GI-General Industrial District to R4 – Single Family Residential District (High Density).
(See Doc. # 532 – April 28 Meeting)

CCID # 532 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

32. 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 northwest of 30th Street and Sorensen Parkway; and to provide for an effective date – [see attached](#).
(See Doc. # 533 – April 28 Meeting)

CCID # 533 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

33. Ord. to rezone property located southwest of 36th and Jones Streets from R7-Medium-Density Multiple-Family Residential District to R8-High-Density Multiple-Family Residential District.
(See Doc. # 536 – April 28 Meeting)

CCID # 536 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

34. Ord. to rezone property located at 4557 South 38th Street from GC-General Commercial District to CC-Community Commercial District.
(See Doc. # 540 – April 28 Meeting)

CCID # 540 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

35. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 4557 South 38th Street; and to provide for an effective date – [see attached](#).
(See Doc. # 541 – April 28 Meeting)

CCID # 541 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

36. Ord. to rezone the property located at 6033 P Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density) (a portion of which property is located within a flood fringe overlay district).
(See Doc. # 553 – April 28 Meeting)

CCID # 553 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

37. Ord. to rezone the property located at 7351 Bedford Avenue from R1 – Single-Family Residential District (Large Lot) to R4 – Single-Family Residential District (High-Density).
(See Doc. # 542 – April 28 Meeting)

CCID # 542 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

38. Ord. to rezone the property located at 13617 Corby Street from R3-Single-Family Residential District (Medium-Density) to R4-Single-Family Residential District (High- Density).
(See Doc. # 543 – April 28 Meeting)

CCID # 543 – ORDINANCE ON SECOND READING – Final reading to be held on May 12, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING and Planning Board Attachments

39. Ord. vacating Ida Circle (formerly known as Airport Drive), lying to the north of Ida Street, abutting Lot 19, Riverfront Industrial Park on the north; Lot 1, Riverfront Industrial Park Replat 6 on the south; and, Eppley Airfield Addition to the east, in the City of Omaha and providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 544 – April 28 Meeting)

CCID # 544 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of Ida Circle – lying to the north of Ida Street, abutting Lot 19, Riverfront Industrial Park on the north; Lot 1, Riverfront Industrial Park Replat 6 on the south and Eppley Airfield Addition to the east – Inside City – [see attached](#).
(See Doc. # 544 – April 28 Meeting)

544 – Over to 05/12/15

40. Ord. vacating the north/south alley west of 30th Street from Saratoga Street north 903.1 feet to a previously vacated alley, in the City of Omaha and providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 545 – April 28 Meeting)

CCID # 545 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of the north/south alley west of 30th Street from Saratoga Street north 903.1 feet to a previously vacated segment of the same alley – Inside City – [see attached](#).
(See Doc. # 545 – April 28 Meeting)

545 – Over to 05/12/15

ORDINANCES ON SECOND READING

41. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 5319 North, LLC, a Nebraska limited liability company, to implement the 30 Metropolitan Place Tax Increment Financing (TIF) Redevelopment Project Plan for a site generally located northeast of 30th and Fort Streets, which contains a total of six parcels: the former Mr. C's restaurant located at 5319 North 30th Street, the adjacent surface lot to the east and four other adjacent vacant lots, which proposes the demolition of the former Mr. C's restaurant and the construction of a new approximately 121,000 square feet, five-story, mixed-use structure to include 110 affordable, low-income housing tax credit apartment units, approximately 11,000 square feet of commercial space, 167 off-street parking stalls and additional on-street parking stalls; the agreement authorizes the use of up to \$1,000,000.00 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))
(See Doc. # 546 – April 28 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

CCID # 546 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

42. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Omaha Blackstone 38-41 LLC, a Nebraska limited liability company, to implement the Blackstone Mixed-Use Tax Increment Financing (TIF) Redevelopment Project Plan located at 3824 Farnam Street and 401 South 41st Street, which proposes the demolition of existing structures and construction of a new, mixed-use structure with 51 market-rate apartment units and 4,000 square feet of commercial space at the Farnam Street site, and a new multi-family structure with 39 market-rate apartment units at the South 41st Street site, inclusive of on-and off-street parking at each site; the agreement authorizes the use of up to \$1,300,000.00 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))
(See Doc. # 547 – April 28 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

CCID # 547 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

43. Ord. to accept the alternate bid of Deffenbaugh Industries, Inc., in the total amount of \$41,215.63, for portable chemical restroom service for park maintenance during the 2015 park season for the Parks, Recreation, and Public Property Department for a one-year period beginning April 1, 2015 and ending March 31, 2016, and to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 548 – April 28 Meeting)

CCID # 548 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

44. Ord. to approve an agreement with and authorize the Purchasing Agent to issue a purchase order to Arrow Towing, Inc. for a Tow-In Contract effective upon issuance of a purchase order for three years, with the option to extend for a period of two additional years by the agreement of both parties, as the lowest and best bid received, to authorize payment from appropriations of more than one fiscal year, in accordance with the provisions of Section 5.17, Home Rule Charter of 1956, as amended; to provide for payments from a specific account; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 549 – April 28 Meeting)

Steve Rains, Business Manager, Arrow Towing, 3112 South 67th Street, appeared and spoke.

CCID # 549 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

45. Ord. to amend Section 23-177, to create Sections 23-569, 23-570, and 23-571 and to amend Section 22-76 of Chapters 22 and 23 of the Omaha Municipal Code to reflect changes negotiated between the City of Omaha and the Professional Fire Service Manager Association for the years 2015, 2016, 2017, and 2018; to provide that any ordinances of the City of Omaha, and any rules and regulations promulgated thereunder, which are in conflict with this ordinance shall not be applicable to those employees in Fire Management; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 550 – April 28 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Mark McQueen, Baird Holm

For the City: Chief Bernie Kanger, Fire Department

CCID # 550 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

46. Ord. to approve the Collective Bargaining Agreement and Memorandum of Agreement between the City of Omaha and the Professional Firefighters Association of Omaha, Local No. 385; AFL-CIO-CLC for a term of December 21, 2014 to December 15, 2018; 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 and Memorandum of 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 551 – April 28 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Mark McQueen, Baird Holm

Steve LeClair, President, Professional Firefighters Association of Omaha, Local No. 385, 6005 Grover Street

John Corrigan, 1411 Harney Street

For the City: Chief Bernie Kanger, Fire Department

Paul Kratz, City Attorney

Steve Curtiss, Finance Director

CCID # 551 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

- (a) Communication in support of the Ordinance to approve the Collective Bargaining Agreement and Memorandum of Agreement between the City of Omaha and the Professional Firefighters Association of Omaha, Local No. 385 – [see attached](#).

551 – Over to 05/12/15

47. Spec. Ord. approving the Omaha Downtown Improvement District Association 2015/2016 Work Plan and Budget, which includes the 2014/2015 Highlights, the 2014/2015 Progress Report, Stakeholder Engagement and Research, and 2015/2016 Work Plan, 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 \$414,389.92; such assessment shall cover the costs anticipated by the Business Improvement District for March 2015 to February 2016 and contemplated by Ordinance No. 37504 which was approved by the City Council of the City of Omaha on October 3, 2006 and reauthorized by Ordinance No. 38957 approved on March 8, 2011; and to provide an effective date therein – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 552 – April 28 Meeting)

CCID # 552 – Public hearing was held today – Final reading set for May 12, 2015 as per City Charter requirements.

INDEPENDENT AUDITOR'S REPORT

48. Douglas Omaha Technology Commission Financial Statements and Independent Auditor's Report for the year ended December 31, 2014 – [see attached](#). ((MOTION NEEDED TO RECEIVE AND PLACE ON FILE))

CCID # 575 – Motion by Gernandt to receive and place on file

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 49 THROUGH 51
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

49. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 180th Street and 192nd Street and Pacific Street Intersection Improvements project identified as OPW 52650, providing that the City negotiate with the property owners for land acquisition, permanent easement, and temporary construction easement, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

CCID # 570 – Publication to be made and public hearing to be held on May 12, 2015 as per City Charter requirements.

50. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 18th and Clark Streets, and 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 2015 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 Guillard Properties, Inc., 13964 Sahler Street, Omaha, NE 68164, to acquire the property for the sum of Twenty-three Thousand Nine Hundred Ten and 00/100 Dollars (\$23,910.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12186, Project No. 4793, Task 10.1497, Award 100276; and to provide the effective date hereof – [see attached](#).

CCID # 571 – Publication to be made and public hearing to be held on May 12, 2015 as per City Charter requirements.

51. Ord. approving a bid from McNeil's Cleaning, LLC, for janitorial cleaning service at six Omaha Public Library facilities (W. Dale Clark Library, Milton R. Abrahams Branch, Willa Cather Branch, Bess Johnson Elkhorn Branch, Millard Branch, and W. Clarke Swanson Branch) in accordance with the lowest and best bid submitted meeting specifications, for an initial term of approximately June 1, 2015, to April 30, 2016, and thereafter, extendible for two one-year terms at the sole option of the City, commencing upon approval; to authorize annual payments of approximately \$136,204.52; and to provide an effective date – [see attached](#).

CCID # 573 – Publication to be made and public hearing to be held on May 12, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Gernandt that the meeting be adjourned

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 5:02 P.M.

I, BUSTER BROWN, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on May 5th, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 6th DAY OF MAY, 2015.