

18th REGULAR OMAHA CITY COUNCIL MEETING

MAY 19, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, May 19, 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 # 597 – Present: Jerram, Melton, Pahls, Thompson, Gernandt, Gray, Mr. President

2. Pledge of Allegiance.

3. Invocation by Council President Pete Festersen of District No. 1.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on May 15, 2015, notice re: Pre-Council and Regular City Council Meetings, May 19, 2015.

CCID # 598 – 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.

SPECIAL USE PERMIT – BROADCASTING TOWER

5. Res. that the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort 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; and 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 4/21/15 – [see attached](#). ((PUBLIC HEARING HELD 3/24/15 – CAN BE ADOPTED TODAY))
(See Doc. # 260 – March 10, March 24 and April 21 Meetings)

CCID # 260 – Motion By Gray that the Resolution be laid over five weeks to June 23, 2015

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of the request of SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR District, for property located at 16140 Fort Street – over from 4/21/15 – [see attached](#).
(See Doc. # 260 – March 10, March 24 and April 21 Meetings)

260 – Over to 06/23/15

- (b) Document submitted by Lynn Heller, Director, Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 4/21/15 – [see attached](#).
(See Doc. # 260 – March 24 and April 21 Meetings)

260 – Over to 06/23/15

- (c) Document submitted by Troy Meyerson, Attorney representing the Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 4/21/15 – [see attached](#).
(See Doc. # 260 –March 24 and April 21 Meetings)

260 – Over to 06/23/15

- (d) Communication from Curtis M. Holland, representing SBA, requesting that the Special Use Permit to allow a Broadcast tower for property located at 16140 Fort Street be laid over five weeks to June 23, 2015 – [see attached](#).

260 – From Chair on File

SPECIAL USE PERMITS – PERSONAL IMPROVEMENT SERVICES AND PERSONAL SERVICES

6. 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; and 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 5/05/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 562 – May 5 Meeting)

Jeff Helaney, Omaha Blue Wave, 16406 Greenleaf Street, appeared and spoke.

Motion by Pahls that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 562 – ADOPTED 7-0

7. 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 – over from 5/05/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 563 – May 5 Meeting)

Jeff Helaney, Omaha Blue Wave, 16406 Greenleaf Street, appeared and spoke.

Motion by Pahls that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 563 – ADOPTED 7-0

- (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 – over from 5/05/15 – [see attached](#).
(See Doc. # 563 – May 5 Meeting)

563 – From Chair on File

LIQUOR AND RESOLUTION RE: KENO

8. PACKAGE – Crestwood Investments, LLC, dba “Crestwood Bevmart”, 1420 South 60th Street. New application, New location. Property posted: 05-04-15; Notification sent: 05-08-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

John Ashley, 1420 South 60th Street, appeared and spoke.

Motion by Gray that the Resolution to GRANT be adopted conditioned upon the statement of Crestwood Investments LLC agreed upon and signed by the applicant

Seconded by Melton

ROLL CALL:

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

Nays: Jerram, Pahls

Res. # 619 – ADOPTED 5-2

- (a) Statement of Crestwood Investments LLC, dba “Crestwood Bevmart”, 1420 South 60th Street, re: representations made in the approval of their application for a Package Liquor License – [see attached](#).

619 – From Chair on File

9. 2607, Inc., dba “Shevy’s”, 2607 N Main Street, requests permission for a Special Designated License for a dance on June 26, 2015 from 6:00 p.m. to 12:00 midnight with music until 12:00 midnight – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Jeremy Edelman appeared and spoke.

CCID # 620 – Motion by Thompson that the request be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

10. 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 1901 Harney Street, The Verdict Bar & Grill, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Karina Coffey, Vice President of Marketing, Big Red Keno, 11248 John Galt Boulevard, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 599 – ADOPTED 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. 11 through 13 were held on May 12, 2015.)

CONSENT AGENDA – ORDINANCES

11. 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](#).

(See Doc. # 570 – May 5 and May 12 Meetings)

Notice of public hearing on May 12, 2015 published in the Daily Record on May 8, 2015. Ordinance passed on May 19, 2015 published in the Daily Record on May 27, 2015.

CCID # 570 – Motion by Gray that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40353 – PASSED 7-0

12. 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](#).

(See Doc. # 571 – May 5 and May 12 Meetings)

Notice of public hearing on May 12, 2015 published in the Daily Record on May 8, 2015. Ordinance passed on May 19, 2015 published in the Daily Record on May 27, 2015.

CCID # 571 – Motion by Gray that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40354 – PASSED 7-0

13. 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](#).

(See Doc. # 573 – May 5 and May 12 Meetings)

Notice of public hearing on May 12, 2015 published in the Daily Record on May 8, 2015. Ordinance passed on May 19, 2015 published in the Daily Record on May 27, 2015.

CCID # 573 – Motion by Gray that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40355 – PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 14 through 29 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

14. Res. that, as recommended by the Mayor, Change Order Nos. 10 and 11 for Hawkins Construction Company to administer the necessary modifications to OPW 51875, being the Missouri River Wastewater Treatment Plant – Schedule B1 Project located at the Missouri River Wastewater Treatment Plant, is hereby approved; and that, the Finance Department is authorized to pay an additional \$428,549.51, for these changes from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 615 – ADOPTED 7-0

15. Res. that, as recommended by the Mayor, the contract with Heimes Corp. for OPW 52101, being Hell Creek Rehabilitation at Westwood Lane in the amount of \$4,023,140.60 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 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 601 – ADOPTED 7-0

16. Res. that, as recommended by the Mayor, the contract with Omaha Electric Service for OPW 52629, Medium Voltage Electrical System Update at the Papillion Creek Wastewater Treatment Plant, in the amount of \$1,610,985.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sanitary Sewer Improvement Fund 21124, Capital Asset Replacement Organization 116913, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 602 – ADOPTED 7-0

17. Res. that, as recommended by the Mayor, the contract with Ronco Construction Co., Inc. for OPW 52673-SP, being replacement of the southern bridge approach panels for a bridge on 132nd Street over the West Papio Creek in the amount of \$74,081.40 is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2010 Transportation Fund 13183, Transportation Bonds Organization 117117, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 603 – ADOPTED 7-0

18. Res. that, as recommended by the Mayor, the contract with McKinnis Roofing and Sheet Metal, Inc. for OPW 52691, being Old Shop Roof Replacement at the Missouri River Wastewater Treatment Plant in the amount of \$137,450.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvement Fund 21124, Capital Asset Replacement Organization 116913, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 604 – ADOPTED 7-0

19. Res. that, as recommended by the Mayor, the contract with Oldcastle Materials Midwest Co. dba Omni Engineering for OPW 52729, being residential street and State connecting link resurfacing at various locations in the amount of \$3,524,071.65 is hereby approved; and, that the Finance Department is authorized to pay this cost from the City Street Maintenance Fund 12129, Residential Street Rehabilitation Organization 116161, year 2015 expenditures – [see attached](#).

Bob Stubbe, Public Works Director, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 605 – ADOPTED 7-0

20. Res. that, as recommended by the Mayor, the contract with Western Engineering Company, Inc. for OPW 52730, being resurfacing of Ames Avenue from 28th Avenue to Fontenelle Boulevard in the amount of \$807,436.15 is hereby approved; and, that the Finance Department is authorized to pay this cost from the City Street Maintenance Fund 12129, Residential Street Rehabilitation Organization 116161, year 2015 expenditures – [see attached](#).

Bob Stubbe, Public Works Director, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 606 – ADOPTED 7-0

21. Res. that, as recommended by the Mayor, the contract with Oldcastle Materials Midwest Co. dba Omni Engineering for OPW 52749, being major street resurfacing at various locations in the amount of \$2,619,680.55 is hereby approved; and, that the Finance Department is authorized to pay this cost from the City Street Maintenance Fund 12129, Residential Street Rehabilitation Organization 116161, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 607 – ADOPTED 7-0

22. Res. that, as recommended by the Mayor, the contract with TIJ Construction, LLC for OPW 52764, being the construction of the Northwest Joint Use Facility Equipment Building in the amount of \$859,899.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116518, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 600 – ADOPTED 7-0

23. Res. that, as recommended by the Mayor, the contract with Swain Construction, Inc. for OPW 52771, being construction of concrete speed bumps at various locations in the amount of \$92,907.50 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Traffic Engineering Capital Organization 116189, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 608 – ADOPTED 7-0

24. Res. that, as recommended by the Mayor, the Professional Services Agreement with Snyder & Associates, Inc. to provide services for the 177th and Center Storm Sewer Project, being OPW 52782 and Capital Improvement Plan #509, located in the vicinity of 177th Street and West Center Road, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$56,500.00, to be paid from the 2010 Environment Fund 13123, Environmental Bonds Organization 117217 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 609 – ADOPTED 7-0

25. Res. that, as recommended by the Mayor, Amendment No. 2 to the Engineering Services Agreement with URS Corporation for scope changes to the final design and bid phase services for the Minne Lusa Stormwater Conveyance Sewer and Detention Basin Improvements, known as project OPW 52004, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$1,749,826.00 for these engineering services from the Sewer Revenue Improvement Fund 21124, CSO Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 610 – ADOPTED 7-0

26. Res. that, as recommended by the Mayor, the Amendment 2 to the Agreement for Wastewater Service between the City of Omaha, Nebraska, Sarpy County, Nebraska and the City of Gretna, Nebraska, which outlines the wastewater service area extensions within and outside of the Papillion creek Watershed as an amendment to previous agreements, is hereby approved – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 616 – ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Sid Dillon for the purchase of a one ton regular cab 4x4 pickup truck in the amount of \$29,173.00 to be utilized by the Fleet Management Division; and, that the Finance Department is authorized to pay this cost from the General Fund 11111, Equipment Organization 116175, year 2015 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 611 – ADOPTED 7-0

28. Res. that, the attached Amended Agreement between the City of Omaha and Heartland Family Service, a Nebraska Non-profit Corporation, 2101 South 42nd Street, Omaha, Nebraska, increasing to \$89,115.00 the amount of matching funds the agency must provide for the use of 2014 Emergency Solutions Grant Program funds it receives from the City in order to provide rapid re-housing services to homeless and near-homeless individuals and families, is hereby approved. Funds shall be paid from the City of Omaha FY 2014 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 617 – ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the bid in the total amount of \$31,998.00 from Midwest Fence-Guardrail Systems, Inc., to furnish all labor, materials, and equipment necessary for the construction of break-away style chain link fencing around the boat/trailer parking lot at the N. P. Dodge Marina, 11001 John J. Pershing Drive, being the 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 Marinas Fund No. 21111 and Organization No. 115451, N. P. Dodge Marina, for the 2015 fiscal year – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 612 – ADOPTED 7-0

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

* * * * *

RESOLUTIONS

30. Res. that, the attached The Conrad Tax Increment Financing (TIF) Redevelopment Project Plan for a site located between 36th and 37th Streets, and from Jones Street south to the alley proposes the demolition of various residential structures and the new construction of a 153-unit, three-story multi-family structure with integrated parking within the Blackstone neighborhood, recommends the City's participation through the allocation of TIF in an amount up to \$2,246,800.00 to offset TIF eligible expenses for acquisition, demolition, architectural and engineering fees, and all public improvements, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – over from 4/28/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 525 – April 28 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 525 – ADOPTED 7-0

31. Res. that, the attached The Home Base Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at 1817 Aksarben Drive which proposes the construction of a new class "A", 4-story, commercial office structure with parking, recommending the City's participation through the allocation of TIF in an amount up to \$2,355,820.00 to offset TIF eligible expenses for acquisition, site work and demolition, utility infrastructure, footing and foundations, soil testing, architectural and engineering fees, and other public improvements as may be necessary, but is subject to change as final costs come in, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – over from 4/28/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 526 – April 28 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 526 – ADOPTED 7-0

32. Res. that, the Amendment to the Quad Tech, LLC Tax Increment Financing Redevelopment Project Plan located at 1919 Aksarben Drive reducing the boundaries of the Plan area by 1.37 acres for the propose of constructing a new class “A”, 4-story, commercial office structure with parking through a new TIF project: The Home Base Tax Increment Financing (TIF) Redevelopment Project Plan; containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – over from 4/28/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 527 – April 28 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 527 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2015
THE THIRD READING AND PUBLIC HEARING
ON AGENDA ITEM NO. 33
SHALL BE HELD ON JUNE 2, 2015”**

ZONING ORDINANCE ON SECOND READING

33. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for West Grayhawk, to allow for the reconfiguration of the required plaza and open space areas within the development, located southwest of 147th Street and West Maple Road between the City of Omaha and Royce Grayhawk, LLC, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 583 – May 12 Meeting)

CCID # 583 – ORDINANCE ON SECOND READING – Final reading to be held on June 2, 2015 pursuant to City Council Rule VII H.

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2015
THE THIRD READING ON AGENDA ITEM NOS. 34 THROUGH 36
SHALL BE HELD ON JUNE 2, 2015”
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

ORDINANCES ON SECOND READING

34. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 3080 S. 16th Street, 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 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 North Ponca Housing Authority, 1501 W. Michigan Avenue, Omaha, NE 68701, to acquire the property for the sum of Nineteen Thousand Five Hundred Forty and NO/100 Dollars (\$19,540.00) is approved; project costs will be paid from Community Development Block Grant, FY 2013 Community Development Block Grant, Fund 12186, Organization 128072, Award 100061, Project 4134, Task 23.1502; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 588 – May 12 Meeting)

CCID # 588 – Public hearing was held today – Final reading set for June 2, 2015 pursuant to City Council Rule VII H.

35. Ord. declaring the necessity of acquiring, for use of the City of Omaha, the necessary lands located at the northwest corner of Q Street and 135th Street, legally described as Lot 7, Lumberyard District for the Southwest Police Precinct for the Police Department; providing for approval of a Purchase Agreement between the City of Omaha and Lanoha 135 Millard, LLC, a Nebraska limited liability company for the purchase of a build to suit facility with closing on the completed facility to occur by September 1, 2016 in the amount of seven million nine hundred two thousand ninety-seven dollars and ninety cents (\$7,902,097.90); to be paid from the following funds - \$5,200,000 from the 2014 Public Facilities Bond Fund No. 13246, \$1,600,000 from the City Capital Improvement Fund No. 13112, and \$1,130,097.90 from Advance Acquisition Fund No. 13111; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 589 – May 12 Meeting)

Jason Lanoha, 1911 West Center Road, appeared and spoke.

CCID # 589 – Public hearing was held today – Final reading set for June 2, 2015 pursuant to City Council Rule VII H.

- (a) Communication from James R. Thele, Planning Director, advising that the Planning Department has reviewed the Lanoha 135, Millard, LLC, Lot 7, Lumber Yard District, Southwest Precinct case, and has determined it is in conformance with the Master Plan – see attached.

589 – Over to 06/02/15

- 36. Ord. in accordance with Section 5.10 of the Home Rule Charter of the City of Omaha, 1956, as amended, to transfer \$8,585,566 in unencumbered appropriations in the 2015 Budget of the City of Omaha from the Wage Adjustment account to the City departments – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 593 – May 12 Meeting)

Stephen Curtiss, Finance Director, appeared and spoke.

CCID # 593 – Public hearing was held today – Final reading set for June 2, 2015 pursuant to City Council Rule VII H.

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2015
THE THIRD READING AND PUBLIC HEARING
ON AGENDA ITEM NO. 37
SHALL BE HELD ON JUNE 9, 2015”**

ORDINANCE ON FIRST READING and Planning Board Attachment

- 37. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Pacific Street West to allow for the development of three commercial buildings, an apartment complex, plaza area and accompanied lot line adjustments, located Southeast of 204th and Pacific Streets between the City of Omaha and 204 Pacific LLC, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 613 – Publication to be made and public hearing and third reading to be held on June 9, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Mixed Use District Development Agreement for Pacific Street West to allow for the development of three commercial buildings, an apartment complex, plaza area and accompanied lot line adjustments, located southeast of 204th and Pacific Streets – [see attached](#).

613 – Over to 06/09/15

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD MAY 26, 2015
THE SECOND READING AND PUBLIC HEARINGS
ON AGENDA ITEM NOS. 38 THROUGH 39
SHALL BE HELD ON JUNE 2, 2015”**

ORDINANCES ON FIRST READING

- 38. Ord. to approve the transfer of real estate to Property Purchasers, LLC, a Nebraska Limited Liability Company by a Warranty Deed, of a 1.5 foot strip of land near 11th & Nicholas Street, which was inadvertently acquired through an Eminent Domain proceeding in Doc. CI 11 No. 27667 for the Nicholas Street Sewer Extension Project Phase 1 a/k/a City Project OPW 51892 (CSO) and to authorize the Mayor to execute the attached Warranty Deed and, providing for the effective date hereof – [see attached](#).

CCID # 618 – Publication to be made and public hearing to be held on June 2, 2015 pursuant to City Council Rule VII H.

- 39. Special Ord. levying a special tax assessment for condemned buildings or structures in accordance with Section 48-93 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2015-01 – [see attached](#).

CCID # 614 – Publication to be made and public hearing to be held on June 2, 2015 pursuant to City Council Rule VII H.

* * * * *

EXECUTIVE SESSION

CCID # 621 - Motion by Gernandt to go into Executive Session at 2:49 P.M. for the purpose of discussing labor negotiations only

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

CITY COUNCIL PRESIDENT FESTERSEN STATED THAT THE CITY COUNCIL IS GOING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LABOR NEGOTIATIONS ONLY

CCID # 622 – Motion by Gray to come out of Executive Session at 3:26 P.M.

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

CITY COUNCIL PRESIDENT FESTERSEN STATED THAT WHILE IN EXECUTIVE SESSION THE CITY COUNCIL DISCUSSED LABOR NEGOTIATIONS ONLY

Motion by Gray that the meeting be adjourned

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 3:27 P.M.

I, SANDRA L. MOSES, DEPUTY 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 19th, 2015.

WITNESS:

DEPUTY CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO ACTING MAYOR PETE FESTERSEN ON THE 21st DAY OF MAY, 2015.