

19th REGULAR OMAHA CITY COUNCIL MEETING

JUNE 2, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, June 2, 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 # 623 – Present: Melton, Pahls, Thompson, Gernandt, Gray, Jerram,
Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Ben Gray of District No. 2.

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 29, 2015, notice re: Pre-Council and Regular City Council Meetings, June 2, 2015.

CCID # 624 – 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.

ZONING ORDINANCE ON FINAL READING and Planning Board Attachment

5. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 583 – May 12 and May 19 Meetings)
Notice of public hearing on June 2, 2015 published in the Daily Record on May 15, 2015. Ordinance passed on June 2, 2015 published in the Daily Record on June 10, 2015.

Jim Buser, 10250 Regency Circle, appeared and spoke.

CCID # 583 – Motion by Melton that the Ordinance be passed
Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40356 – PASSED 7-0

- (a) Planning Board and Planning Department recommends approval of a Major Amendment to West Grayhawk Mixed Use District Development Agreement 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 – [see attached](#).
(See Doc. # 583 – May 12 Meeting)

583 – From Chair on File

RESOLUTION RE: PRELIMINARY PLAT

6. Res. that the preliminary plat entitled THE COTTAGES OF OAKDALE ADDITION, a cluster subdivision inside the city limits, located at 9515 West Center Road, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – over from 5/12/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 584 – May 12 Meeting)

Kent Brasch, Essex Corporation, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 584 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the preliminary plat of THE COTTAGES OF OAKDALE ADDITION, a cluster subdivision inside the city limits, located at 9515 West Center Road – Inside City – over from 5/12/15 – [see attached](#).
(See Doc. # 584 – May 12 Meeting)

584 – From Chair on File

LIQUOR AND RESOLUTION RE: KENO

7. CLASS “C” – HOB, Inc., dba “Report In Pub”, 12100 West Center Road, Suite 204. New application, Old location. Present licensee is R N R Enterprises, Inc., dba “Report In Pub”, 12100 West Center Road, Suite 204, who has a Class “C” 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))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Katrina Coffey, Vice President of Marketing, Big Red Keno, 11248 John Galt Boulevard
Helen Ott-Brasch, President, Report In Pub

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Gernandt

ROLL CALL:

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

Res. # 625 – ADOPTED 7-0

COUNCILMEMBER JERRAM LEAVES THE LEGISLATIVE CHAMBERS

8. CLASS “C” – 9th Street Joint Venture, LLC, dba “Local Beer Patio & Kitchen”, 902 Dodge Street, Suite 101. New application, Old location. Present licensee is 9th Street Tavern & Grill, LLC, dba “9th Street Tavern & Grill”, 902 Dodge Street, Suite 101, who has a Class “C” 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))

Charles Yin, Partner, 9th Street Joint Venture, LLC, dba “Local Beer Patio & Kitchen”, appeared and spoke.

Motion by Gray that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

Absent: Jerram

Res. # 626 – ADOPTED 6-0

9. 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 Report In Pub, 12100 W. Center Road Suite #204, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Katrina Coffey, Vice President of Marketing, Big Red Keno, 11248
John Galt Boulevard
Helen Ott-Brasch, President, Report In Pub

Motion by Thompson that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Res. # 627 – 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. 10 through 12 were held on May 19, 2015.)

CONSENT AGENDA – ORDINANCES

10. 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](#).

(See Doc. # 588 – May 12 and May 19 Meetings)

Notice of public hearing on May 19, 2015 published in the Daily Record on May 15, 2015. Ordinance passed on June 2, 2015 published in the Daily Record on June 10, 2015.

CCID # 588 – Motion by Gray that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

Absent: Jerram

ORDINANCE # 40357 – PASSED 6-0

11. 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](#).

(See Doc. # 589 – May 12 and May 19 Meetings)

Notice of public hearing on May 19, 2015 published in the Daily Record on May 15, 2015. Ordinance passed on June 2, 2015 published in the Daily Record on June 10, 2015.

CCID # 589 – Motion by Gray that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

Absent: Jerram

ORDINANCE # 40358 – PASSED 6-0

- (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 Police Precinct case, and has determined it is in conformance with the Master Plan – over from 5/19/15 – [see attached](#).
(See Doc. # 589 – May 19 Meeting)

589 – From Chair on File

- 12. 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](#).
(See Doc. # 593 – May 12 and May 19 Meetings)
Notice of public hearing on May 19, 2015 published in the Daily Record on May 15, 2015. Ordinance passed on June 2, 2015 published in the Daily Record on June 10, 2015.

CCID # 593 – Motion by Gray that the Ordinance be passed
Seconded by Melton
ROLL CALL:
Yeas: Melton, Pahls, Thompson, Gernandt, Gray, Mr. President
Absent: Jerram
ORDINANCE # 40359 – PASSED 6-0

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

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(The public hearings on Agenda Item Nos. 13 through 27 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

- 13. Res. that, as recommended by the Mayor, the contract with Graham Construction, Inc. for OPW 51995 (CSO), being Cole Creek CSO 204 Area – Phase I Combined Sewer Separation and OPW 52523 (RN) – Cole Creek East Interceptor Replacement (Sanitary), in the amount of \$5,192,578.85 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 in the amount of \$3,990,525.42 and Neighborhood Sewer Renovation Organization 116911 in the amount of \$1,202,053.43, year 2015 expenditures – [see attached](#).

Motion by Gray that the Resolution to GRANT be adopted
Seconded by Gernandt
ROLL CALL:
Yeas: Melton, Pahls, Thompson, Gernandt, Gray, Mr. President
Absent: Jerram
Res. # 628 – ADOPTED 6-0

AGENDA ITEM NO. 14 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF COUNCILMEMBER GERNANDT

14. Res. that, as recommended by the Mayor, the contract with L. G. Roloff Construction Co., Inc. for OPW 52184 (CSO), being Gilmore Avenue Sewer Separation Project, in the amount of \$9,967,748.04 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](#).

Marty Grate, Public Works Department, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Absent: Jerram

Res. # 646 – ADOPTED 6-0

15. Res. that, as recommended by the Mayor, the Agreement with NuStyle Development Corporation for The Wire Streetscape Improvements project, located in the vicinity of Dodge Street from 19th Street to 20th Street, designated OPW 52619, as a part of the 2015-2020 Capital Improvement Program Transportation Project No. 509, is hereby approved; and that the Finance Department is authorized to pay a cost share toward the public improvements on this project in an amount not to exceed \$300,000.00 from the 2010 Transportation Bond Fund 13183, Organization 117117 – [see attached](#).

Motion by Gray that the Resolution to GRANT be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 632 – ADOPTED 6-0

16. Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and the State of Nebraska Department of Roads, providing for resurfacing on certain street segments which are urban extensions of State Highways or links to the State Highway system, known as Project RD-D2 (1038), State Control No. 22453 Fiscal Year 2016 Resurfacing Project, and reimbursement from the State of Nebraska Department of Roads at an amount not to exceed \$400,000.00, 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](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 629 – ADOPTED 6-0

17. Res. that, as recommended by the Mayor, the Supplemental Agreement No. 2 between the City of Omaha and Felsburg Holt & Ullevig for additional professional services on Project STPC-5011(9), State Control No. 22237, Agreement No. BK1422, and OPW 50416, being improvements to 108th Street from Madison Street to Q Street, with the City's local share of \$11,605.84, to be paid from the 2010 Transportation Bond 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](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 630 – ADOPTED 6-0

18. Res. that, as recommended by the Mayor, an agreement between the City of Omaha and the Omaha Public Power District for the installation of new street lighting facilities as a part of the Maple Street Improvement, 59th to 63rd Street Project, known as OPW 52607 along Military Avenue from West Maple Street, North to Northwest Radial Highway, by the City of Omaha on behalf of the Omaha Public Power District, is hereby approved; and, the Finance Department is authorized to bill the Omaha Public Power District for reimbursement of 100% of the associated project costs as outlined in this agreement – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 631 – ADOPTED 6-0

19. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Stutheit Implement Company for the purchase of a manure spreader to be utilized by the Environmental Quality Control Division in the amount of \$20,000.00; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Sludge Disposal Organization 116713, year 2015 expenditures – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 633 – ADOPTED 6-0

20. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Norseman Environmental Sales for the purchase of 5,000 curbside recycling containers to be utilized by the Environmental Quality Control Division in the amount of \$31,250.00; and, that the Finance Department is authorized to pay this cost from the General Fund 11111, Solid Waste Collection and Disposal Organization 116321, year 2015 expenditures – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 634 – ADOPTED 6-0

21. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Office Interiors and Design for the purchase of office furniture for the Omaha Parking Division in the amount of \$53,523.98; and, that the Finance Department is authorized to pay this cost from the Parking Facilities Fund 21116, Interstate Parking Organization 116241, year 2015 expenditures – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 644 – ADOPTED 6-0

22. Res. that, the quote of DIY Holding Company, LLC for the demolition of 2828 North 16th Street, in the amount of \$24,773.00 is accepted and award is made to DIY Holding Company, LLC. The amount of this award shall be paid from CDBG–North 24 Street Arts and Commerce Development (2012). That, the Purchasing Agent be authorized to issue a purchase order to DIY Holding Company, LLC for the demolition of 2828 North 16th Street, in the amount of \$24,773.00 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 635 – ADOPTED 6-0

23. Res. that, the attached Agreement between the City of Omaha and Steve Rife, Rife Construction Company, 4515 Military Avenue, Omaha, NE 68104, as recommended by the Mayor, to provide Community Development Block Grant Program (CDBG) and HOME Funds in the amount of \$73,400.00 for the rehabilitation and lead hazard reduction work when applicable, on the property located at 6546 North 35th Street, Omaha, Nebraska 68112 – Interior and Remaining Exterior is hereby approved. Funds in the amount of \$73,400.00 shall be paid from Omaha CDBG Funds, Fund No. 12186, Organization No. 129161 and FY 2011 HOME Funds, Fund No. 12179, Org. No. 128071 and NAHTF Fund No. 12141, Organization No. 128101 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 636 – ADOPTED 6-0

24. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$40,699.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Leta R. Veland located at 3351 Grant Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$25,199.00 from CDBG Target Area Program 2013, Fund No. 12186, Org. No. 128072; \$15,500.00 from NAHTF 12-TFHP-7058 Housing Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 637 – ADOPTED 6-0

25. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$25,500.00 for the rehabilitation and lead reduction work to the property located at 4664 Redick Avenue, Omaha, NE 68152, owned by Michael S. Royce, Sr., a married person, 15707 S 234 Street, Gretna, NE 68028, is hereby approved. Funds in the amount of \$25,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 638 – ADOPTED 6-0

26. Res. that the appointment of Deputy Police Chief Elizabeth Davis to be a City employee member of the DOT.Comm Oversight Committee to serve for a term of two years is hereby confirmed by the City Council – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 639 – ADOPTED 6-0

Motion by Jerram to remove Agenda Item No. 27 from the Consent Agenda and move to the front of the agenda prior to Agenda Item No. 5

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

27. Res. that the City of Omaha adopt economic inclusion as a city priority; and that City departments are urged to include Economic Inclusion Plans (“EIP”s) in professional services contracts and within bid specifications; and that tax increment financing (“TIF”) applicants are urged to include EIPs in their projects for review and consideration by the TIF Committee and the City Council; and that contractors and developers utilizing TIF are urged to utilize Tier I and Tier II Small Businesses and Emerging Small Businesses on their projects; and that TIF recipients are urged to assist the City in building capacity of Tier I and Tier II Small Businesses and Emerging Small Businesses – [see attached](#).

Spencer Danner, Mayor’s Office, appeared and spoke.

Res. # 647 – Resolution read

- (a) Amendment of the Whole “A” requested by Councilmember Jerram – [see attached](#).

Motion by Gray that the Amendment of the Whole be ADOPTED AS AMENDED

Seconded by Jerram

ROLL CALL:

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

President

Res. # 647 – ADOPTED AS AMENDED 7-0

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

* * * * *

RESOLUTIONS

28. Res. that, the attached 1702 Cuming Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at 1702, 1708 and 1714 Cuming Street which contemplates the rehabilitation of the 1702 Cuming Street building to accommodate two restaurant tenants and the demolition of the adjoining buildings to the west to provide surface parking, recommending the City’s participation through the allocation of TIF in an amount up to \$217,568.00 to offset TIF eligible expenses for acquisition, rehabilitation, site work, architectural and engineering fees, environmental costs, and any public improvements as required, 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 5/12/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 580 – May 12 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Absent: Jerram

Res. # 580 – ADOPTED 6-0

29. Res. that, the attached H2.0 Tax Increment Financing (TIF) Redevelopment Project Plan located at 2100 Douglas Street proposes the construction of a new four-story, 114 unit market-rate multi-family structure with apartment amenities, recommending the City's participation through the allocation of TIF in an amount up to \$2,650,000.00 to offset TIF eligible expenses for acquisition, site work, architectural and engineering fees, surveying and public improvements, as required, 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 5/12/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 581 – May 12 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Absent: Jerram

Res. # 581 – ADOPTED 6-0

30. Res. that, the attached The Ones at 35th & Dodge Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at 111 N. 35th Street and 3412, 3420 and 3424 Dodge Street which contemplates the demolition of existing single-family structures and the new construction of a four-story apartment structure with a lower level underground 22 stall parking area, recommending the City's participation through the allocation of TIF in an amount up to \$590,750.00 to offset TIF eligible expenses such as site acquisition, demolition, installation of utilities, environmental and survey costs, architectural and engineering fees, and any public improvements as required, 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 5/12/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 582 – May 12 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:
Proponent: John Caniglia, Developer, 1604 South 193rd Street
For the City: Bridget Hadley, Planning Department

Motion by Gray that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

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

Absent: Jerram

Res. # 582 – ADOPTED 6-0

FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR’S REPORT

31. Land Reutilization 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 # 645 – Motion by Gernandt to receive and place on file
Seconded by Gray

ROLL CALL:

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

Absent: Jerram

Motion Carried 6-0

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING
ON AGENDA ITEM NO. 32
SHALL BE HELD ON THE THIRD READING”**

ORDINANCE ON SECOND READING and Planning Board Attachment

32. 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](#).
(See Doc. # 613 – May 12 Meeting)

CCID # 613 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 9, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING

- 33. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 618 – May 19 Meeting)

CCID # 618 – Public hearing was held today – Final reading set for June 9, 2015 as per City Charter requirements.

- 34. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 614 – May 19 Meeting)

CCID # 614 – Public hearing was held today – Final reading set for June 9, 2015 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING
ON AGENDA ITEM NO. 35
SHALL BE HELD ON THE THIRD READING”**

ORDINANCE ON FIRST READING and Planning Board Attachment

- 35. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for West Dodge Station, to allow for Automotive sales on Lot 1, Replat 1, West Dodge Station, located at 18451 California Street between the City of Omaha and Majik, LLC, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 640 – Publication to be made and public hearing and third reading to be held on June 16, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommends approval of a Major Amendment to a Mixed Use District Development Agreement to allow for Automotive sales on Lot 1, Replat 1, West Dodge Station, located at 18451 California Street – [see attached](#).

640 – Over to 06/16/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 36 THROUGH 40
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

36. Ord. authorizing the issuance of a purchase order to U. S. Peroxide, LLC in the amount of \$88,200.00 for a chemical injection system at the 22nd and Washington Streets Joint Use Facility to be effective for a period of 12 months and is extendable for two additional one year periods with the approval of both parties; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#).

CCID # 641 – Publication to be made and public hearing to be held on June 9, 2015 as per City Charter requirements.

37. Ord. to approve the execution of an Amended Agreement for Fire and Emergency Services between the City of Omaha and the Elkhorn Suburban Fire District No. 2, involving the City of Omaha’s provision of fire and emergency services to the jurisdiction of the Elkhorn Suburban Fire Protection District No. 2 to extend the period one year to December 31, 2018; to allow for modification in staffing of Water Tender 77 in exchange for an annual credit of \$500,000 in 2016, 2017 and 2018 and an agreement to waive any payment that may be due for variance for 2016; and to provide the effective date hereof – [see attached](#).

CCID # 642 – Publication to be made and public hearing to be held on June 9, 2015 as per City Charter requirements.

38. Ord. to amend Section 23 - 177 of the Omaha Municipal Code by changing the title of the employment classification known as Local Area Network Specialist to Network Specialist without changing the salary range for the classification of 12.2MC (\$47,727 to \$58,423); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

CCID # 648 – Publication to be made and public hearing to be held on June 9, 2015 as per City Charter requirements.

39. Ord. to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Community Safety Education Specialist with a salary range of 7.1 MC (\$39,597.22-\$47,914.62); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

CCID # 643 – Publication to be made and public hearing to be held on June 9, 2015 as per City Charter requirements.

- 40. Ord. transferring funds from unencumbered appropriation balances in the 2014 General Fund Budget of the City of Omaha in accordance with Section 5.10 of the Home Rule Charter of the City of Omaha, 1956 as amended and to fix the effective date hereof to be immediately upon passage in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, 1956 as amended. (2014 Year-End Closing) – [see attached](#).

CCID # 649 – Publication to be made and public hearing to be held on June 9, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

- 41. 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: Melton, Pahls, Thompson, Gernandt, Gray, Mr. President

Absent: Jerram

Motion Carried 6-0

ADJOURNED: 2:53 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 June 2nd, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 4th DAY OF JUNE, 2015.