

20th REGULAR OMAHA CITY COUNCIL MEETING

JUNE 9, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, June 9, 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 # 650 – Present: Pahls, Thompson, Gernandt, Gray, Jerram, Melton, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Chris Jerram of District No. 3.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on June 5, 2015, notice re: Pre-Council and Regular City Council Meetings, June 9, 2015.

CCID # 651 – 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.

ELECTION OF OFFICERS

5. Election of Temporary Chairman.

CCID # 696 – Motion to elect Council President Festersen Temporary Chairperson Carried 7-0

6. Election procedure statement read by Temporary Chairman:

Buster Brown, City Clerk, stated, “For the benefit of the members of the Public and Press, I would like to briefly outline the manner in which the elections to the Offices of President and Vice President will be conducted. As has been done in the past, the voting will be conducted by way of secret ballot. Each councilmember will be given a ballot and asked to mark the ballot casting one vote. The ballots will be collected, recorded, and then read aloud by the City Clerk. Any Councilmember receiveing four or more votes will become the new Officer. This procedure will be followed until one member receives four or more votes. We will begin with the election to the Office of the President. The newly elected President will then take the Chair and directly proceed with the election to the Office of Vice President.”

CCID # 697 – From Chair on File

7. Election of President of the City Council of the City of Omaha.

CCID # 698 – First Ballot

Gray – 4
Thompson – 3

Councilmember Gray elected President, receiving 4 votes

- (a) Ballots voted upon and submitted by the Councilmembers for the Office of President of the City Council of the City of Omaha on June 9, 2015 (First Ballot)

698 – On File

8. Election of Vice President of the City Council of the City of Omaha.

CCID # 699 – First Ballot:

Jerram – 4
Gernandt – 3

Councilmember Jerram elected Vice President, receiving 4 votes

- (a) Ballots voted upon and submitted by the Councilmembers for the office of Vice President of the City Council of the City of Omaha on June 9, 2015
(First Ballot)

699 – On File

ZONING ORDINANCE ON FINAL READING and Planning Board Attachment

- 9. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 613 – May 19 and June 2 Meetings)

Notice of public hearing on June 9, 2015 published in the Daily Record on May 22, 2015. Ordinance passed on June 9, 2015 published in the Daily Record on June 17, 2015.

Dennis Kalasek, 1226 South 200th Avenue, appeared and spoke.

CCID # 613 – Motion by Gernandt that the Ordinance be passed
Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40360 – PASSED 7-0

- (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](#).

(See Doc. # 613 – May 19 Meeting)

613 – From Chair on File

RESOLUTION RE: PRELIMINARY PLAT

10. Res. that the preliminary plat entitled TUSCAN RIDGE, located Southwest of 199th Street and Blue Sage Parkway, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 679 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of TUSCAN RIDGE, located Southwest of 199th Street and Blue Sage Parkway – Outside City – [see attached](#).

679 – From Chair on File

LIQUOR

11. CLASS “C” – Ghost of COG, LLC, dba “Lookout Lounge”, 320-322 South 72nd Street. New application, Old location. Present licensee is Black Stevens, L.L.C., dba “The Hide Out”, 322 South 72nd Street, 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))

Mark Jacobs, Attorney for the applicant, 11440 West Center Road, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 652 – ADOPTED 7-0

12. PACKAGE – Omaha Cass, LLC, dba “MC Gas N Shop”, 503 North 33rd Street. New application, Old location. UPGRADE. Property posted: 05-20-15; Notification sent: 05-29-15. Present licensee is Rome Cass, L.L.C., dba “Cass Gas N Shop”, 503 North 33rd Street, who has an Off Sale Beer License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Mike Kelley, Attorney for the applicant, 7134 Pacific Street, appeared and spoke.

Application read

Motion by Festersen that the City Council Liquor Rules (Rule 7) be suspended

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

Motion by Festersen that the Resolution to GRANT be ADOPTED AS AMENDED

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 653 – ADOPTED AS AMENDED 6-0-1 Pass

Motion by Thompson that the City Council Liquor Rules be reinstated

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (a) Communication opposing the application to Upgrade to a Package Liquor License of Omaha Cass, LLC, dba "MC Gas N Shop", 503 North 33rd Street – see attached.

653 – From Chair on File

- (b) Communication from Sara Howard, State Senator, Nebraska State Legislature, opposing the application for an Upgrade to a Package Liquor License to Omaha Cass, LLC, dba "MC Gas N Shop", 503 North 33rd Street – see attached.

653 – From Chair on File

- (c) Communication from Mike Kelley, Attorney representing Omaha Cass, LLC, dba “MC Gas N Shop”, 503 North 33rd Street, requesting to amend their application to an Off Sale Beer License – see attached.

653 – Motion by Festersen that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

13. PACKAGE – Vierco Investments, Inc., dba “Paul’s Millard Sinclair”, 13205 Millard Avenue. New application, Old location. UPGRADE. Property posted: 05-20-15; Notification sent: 05-29-15. Present licensee is Faur, Jr., Paul P., dba “Paul’s Millard Sinclair”, 13205 Millard Avenue, who has an Off Sale Beer License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Mike Kelley, Attorney for the applicant, 7134 Pacific Street, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 654 – ADOPTED 6-0-1 Pass

14. ON SALE BEER – Bernie’s Pizza, Inc., dba “Bernie’s Pizza”, 5092 South 136th Street. New application, Old location. Present licensee is Drassal, Bernard, dba “Bernie’s Pizza Parlor”, 5092 South 136th Street, who has an On Sale Beer License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Greg Abboud, Attorney for the applicant, 6530 South 84th Street, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 655 – ADOPTED 7-0

15. KITOK, Inc., dba “SoHo Lounge”, 12143 West Center Road, Suite 38, requests permission for an addition to their present Class “C” Liquor License location of an irregular shaped outdoor area approx. 25’ x 68’ to the west. Property posted: 05-20-15; Notification sent: 05-29-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Kwadjo Okai, 15801 Manderson Street, appeared and spoke.

CCID # 656 – Motion by Festersen that the request be approved

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

16. FPS Nebraska, Inc., dba “Fleming’s Prime Steakhouse and Wine Bar”, 140 Regency Pkwy, requests permission to appoint Nathaniel R. Clemetson manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 657 – Motion by Thompson that the request be approved

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

17. Jin Xing, Inc., dba “Golden Palace Restaurant”, 4040 North 132nd Street, requests permission to appoint Kenny Y. Cao manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Kenny Cao, 17113 Emmett Street, appeared and spoke.

CCID # 658 – Motion by Melton that the request be approved

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

18. Nebraska Entertainment, Inc., dba “Marcus Majestic”, 13404 West Maple Road, requests permission to appoint Lisa M. Fryda manager of their present Class “I” Liquor License location – [see attached](#).

CCID # 659 – Motion by Jerram that the request be laid over one week to June 16, 2015 and continue the public hearing

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (a) Nebraska Entertainment, Inc., dba “Marcus Midtown Cinema”, 3201 Farnam Street, Suite 611, requests permission to appoint Lisa M. Fryda manager of their present Class “I” Liquor License location – [see attached](#).

CCID # 660 – Motion by Jerram that the request be laid over one week to June 16, 2015 and continue the public hearing

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (b) Nebraska Entertainment, Inc., dba “Village Pointe Cinema”, 304 North 174th Street, requests permission to appoint Lisa M. Fryda manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 661 – Motion by Jerram that the request be laid over one week to June 16, 2015 and continue the public hearing

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (c) Communication from Lisa M. Fryda, requesting to lay over the manager applications for Nebraska Entertainment, Inc. to appoint Lisa M. Fryda manager of their present Class "I" Liquor License locations, one week to 6/16/15 – [see attached](#).

CCID # 661 – From Chair on File

19. PACKAGE – Buck's, Inc., dba "Bucky's Express #58", 5718 NW Radial Hwy. New application, New location. Property posted: 04-21-15; Notification sent: 05-29-15 – [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: Robert Diesing, Buck's, Inc., 1005 East Aberdeen Drive, Papillion, NE

John Perlebach, 7315 Mercy Road

Protestant: Sara Davey, 3344 North 58th Street

For the City: Paul Kratz, City Attorney

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Nay: Jerram

Res. # 662 – ADOPTED 6-1

20. Buck's, Inc., dba "Bucky's Express #12", 10202 Maple Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

Robert Diesing, Buck's, Inc., 1005 East Aberdeen Drive, Papillion, NE

CCID # 663 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (a) Buck's, Inc., dba "Bucky's Express #13", 2765 South 13th Court, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 664 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (b) Buck's, Inc., dba "Bucky's Express #18", 4805 South 108th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 665 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (c) Buck's, Inc., dba "Bucky's Express #20", 2510 South 132nd Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 666 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (d) Buck's, Inc., dba "Bucky's Express #30", 101 North 30th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 667 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (e) Buck's, Inc., dba "Bucky's Express #32", 3909 North 132nd Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 668 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

President

Motion Carried 7-0

- (f) Buck's, Inc., dba "Bucky's Express #38", 13736 "Q" Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 669 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

President

Motion Carried 7-0

- (g) Buck's, Inc., dba "Bucky's Express #40", 107 South 40th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 670 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

President

Motion Carried 7-0

- (h) Buck's, Inc., dba "Bucky's Express #42", 3435 South 42nd Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 671 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

President

Motion Carried 7-0

- (i) Buck's, Inc., dba "Bucky's Express #60", 6003 Center Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 672 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (j) Buck's, Inc., dba "Bucky's Express #61", 2635 South 160th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 673 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (k) Buck's, Inc., dba "Bucky's Express #72", 2901 North 72nd Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 674 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (l) Buck's, Inc., dba "Bucky's Express #84", 3052 South 84th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 675 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (m) Buck's, Inc., dba "Bucky's Express #96", 9645 Ida Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 676 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (n) Buck's, Inc., dba "Bucky's Express #831", 4414 North 30th Street, requests permission to appoint Robert J. Diesing manager of their present Package Liquor License location – [see attached](#).

CCID # 677 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (o) Buck's, Inc., dba "Bucky's Express #24", 2223 South 24th Street, requests permission to appoint Robert J. Diesing manager of their present Off Sale Beer License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 678 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Pahls, Thompson, Gernandt, Gray, Jerram, Melton, 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. 21 through 22 were held on June 2, 2015.)

CONSENT AGENDA – ORDINANCES

21. 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](#).

(See Doc. # 618 – May 19 and June 2 Meetings)

Notice of public hearing on June 2, 2015 published in the Daily Record on May 22, 2015. Ordinance passed on June 9, 2015 published in the Daily Record on June 17, 2015.

CCID # 618 – Motion by Gernandt that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40361 – PASSED 7-0

22. 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](#).

(See Doc. # 614 – May 19 and June 2 Meetings)

Notice of public hearing on June 2, 2015 published in the Daily Record on May 22, 2015. Special Ordinance passed on June 9, 2015 published in the Daily Record on June 17, 2015.

CCID # 614 – Motion by Gernandt that the Special Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

SPECIAL ORDINANCE # 10187 – PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 23 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

23. Res. that, as recommended by the Mayor, the Supplemental Agreement No. 4 between the City of Omaha and Olsson Associates, Inc. for additional engineering services on Project STPC-5011(8), State Control No. 22236, and SP 93-05, being improvements to 114th Street from Pacific Street to Burke Street, with the City's local share in the amount of \$420.00, as stewarded by the Nebraska Department of Roads, 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 Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 680 – ADOPTED 7-0

24. Res. that the application of Kellogg Place LLC c/o Ben Swan for a lease of City property adjacent to 2450 Harney Street, Omaha, Nebraska for purposes of a fenced outdoor eating area, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 681 – ADOPTED 7-0

25. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$40,051.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by John Lewis and Bonnie Lewis located at 3118 CHARLES ST, Omaha, NE 68131, is hereby approved. The contract is to be awarded to Lamb's Remodeling, Tom Lamb, Owner. Funds shall be paid as follows: \$15,500.00 from NAHTF 13-TFHO-2077 Owner Occupied Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101; \$24,551.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072 – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

Res. # 682 – ADOPTED 7-0

26. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$48,282.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Gladys Morris located at 3452 Grant Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$15,500.00 from NAHTF 13-TFHO-2077 Owner Occupied Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101; \$32,782.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072 – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

Res. # 683 – ADOPTED 7-0

27. 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 4201 Parker Street, Omaha, NE, 68111 owned by Richard L. Williamson, a married person, 315 South 68th Street, Omaha, NE 68132, 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 Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

Res. # 684 – ADOPTED 7-0

28. Res. that, as recommended by the Mayor, the bid in the total amount of \$22,262.48 from Center Trophy Company, to purchase the 2015 Summer Program T-Shirts for the various Divisions of the Parks, Recreation, and Public Property Department, 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 Golf Operations Fund No. 21114, Organization No. 115461, Golf Operations; General Fund No. 11111, Organization No. 115111, Community Center Admin; General Fund No. 11111, Organization No. 115335, Pool Admin; General Fund No. 11111, Organization No. 115352, Day Camp Summer; General Fund No. 11111, Organization No. 115211, Motto McLean Ice Arena/Hitchcock, and City Wide Sports Revenue Fund No. 21108, and Organization No. 115366, Trap & Skeet, for the 2015 fiscal year – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

Res. # 685 – ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the purchase of Sierra Annual Renewal Term upon the invoice of Innovative Interfaces, providing a unique and non-competitive service, in the amount not to exceed \$64,464.00, is hereby approved; and, the Finance Department is authorized to pay the \$64,464.00 cost thereof from the Library's General Fund 11111, Organization 117017, Account 42266, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

Res. # 694 – ADOPTED 7-0

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

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**“PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NO. 30
SHALL BE LAID OVER THREE WEEKS
FOR PUBLICATION AND PUBLIC HEARING”**

RESOLUTION

30. Res. that, the attached Elk Hills Apts Phase II Tax Increment Financing (TIF) Redevelopment Project Plan for a site generally located at the southwest corner of Park Road and North Main Street in Elkhorn, which is a continuation of the first phase of apartment units completed in 2014, and proposes the demolition of the existing residential and industrial structures along with the new construction of three multi-family structures, for a total of 90 units, inclusive of parking, recommending the City’s participation through the allocation of TIF in an amount up to \$1,500,000.00 to offset eligible expenses such as acquisition, demolition, site work, 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 – [see attached](#).
Notice of public hearing on June 30, 2015 published in the Daily Record and the Omaha World Herald on June 11, 2015 and June 18, 2015.

CCID # 693 – Over three weeks to June 30, 2015 for publication and public hearing pursuant to City Council Rule VII F.

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ORDINANCES ON SECOND READING

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING
ON AGENDA ITEM NO. 31
SHALL BE HELD ON THE THIRD READING”**

31. 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](#).
(See Doc. # 640 – June 2 Meeting)

CCID # 640 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 16, 2015 as per City Charter requirements.

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32. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 641 – June 2 Meeting)

CCID # 641 – Public hearing was held today – Final reading set for June 16, 2015 as per City Charter requirements.

33. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 642 – June 2 Meeting)

CCID # 642 – Public hearing was held today – Final reading set for June 16, 2015 as per City Charter requirements.

34. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 648 – June 2 Meeting)

CCID # 648 – Public hearing was held today – Final reading set for June 16, 2015 as per City Charter requirements.

35. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 643 – June 2 Meeting)

CCID # 643 – Public hearing was held today – Final reading set for June 16, 2015 as per City Charter requirements.

36. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 649 – June 2 Meeting)

Steve Curtiss, Finance Director, appeared and spoke.

CCID # 649 – Public hearing was held today – Final reading set for June 16, 2015 as per City Charter requirements.

- (a) Final 2014 Year-End Summary submitted by Steve Curtiss, Finance Director – [see attached](#).

649 – Over to 06/16/15

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 37 THROUGH 42
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

37. Ord. to rezone the property located at 1556 Florence Boulevard from R7 – Medium-Density Multiple-Family Residential District to R4 – Single-Family Residential District (High-Density).

CCID # 686 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 1556 Florence Boulevard from R7 – Medium-Density Multiple-Family Residential District to R4 – Single-Family Residential District (High-Density) – [see attached](#).

686 – Over to 06/23/15

38. Ord. to rezone the property located southwest of 18th and Clark Streets from R7 – Medium-Density Multiple-Family Residential District to R5 – Urban Family Residential District.

CCID # 687 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located southwest of 18th and Clark Streets from R7 – Medium-Density Multiple-Family Residential District to R5 – Urban Family Residential District – [see attached](#).

687 – Over to 06/23/15

39. Ord. to rezone property located at 2200 North 24th Street from GI – General Industrial District to NBD – Neighborhood Business District.

CCID # 688 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

40. Ord. to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located at 2200 North 24th Street; and to provide for an effective date – [see attached](#).

CCID # 689 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 2200 North 24th Street from GI – General Industrial District to NBD – Neighborhood Business District with approval of an ACI-1(PL) – [see attached](#).

689 – Over to 06/23/15

41. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 4921 Q Street; and to provide for an effective date – [see attached](#).

CCID # 690 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of an MCC-Major Commercial Corridor Overlay District for the property located at 4921 Q Street – [see attached](#).

690 – Over to 06/23/15

42. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Cinnamon Creek 2nd Addition, to allow for the reconfiguration of the required plaza and open space areas within the development and to update the previously existing FAR (Floor Area Ratio) agreement, located northeast of 180th and Harrison Streets between the City of Omaha and B and K Real Estate LLC, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 691 – Publication to be made and public hearing and third reading to be held on June 23, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Cinnamon Creek 2nd Addition Mixed Use District Development Agreement to allow for the reconfiguration of the required plaza and open space areas within the development and to update the previously existing FAR (Floor Area Ratio) agreement, located northeast of 180th and Harrison Streets – [see attached](#).

691 – Over to 06/23/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 43 THROUGH 44
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

43. Ord. authorizing the acceptance of the quote from BJS Fleet Wash for detailing vehicles for the Omaha Police Department effective upon issuance of a purchase order for three years, as the only quote received, to authorize payment from appropriations of more than one fiscal year in the estimated amount of \$7,260.00 per year and an estimated aggregate cost of \$21,780.00 over the three-year period, 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](#).

CCID # 692 – Publication to be made and public hearing to be held on June 16, 2015 as per City Charter requirements.

44. Ord. to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by changing the pay range of the employment classification entitled Administrative Information Coordinator from a salary range of 14.1 MC (\$51,918 - \$62,752) to a salary range of 16.1 MC (\$57,015 - \$68,402); to repeal Section 23-177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

CCID # 695 – Publication to be made and public hearing to be held on June 16, 2015 as per City Charter requirements.

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ADDITIONAL RESOLUTION

45. Res. that, Councilmembers Franklin Thompson, Garry Gernandt, and Rich Pahls shall assess damages, if any, to owners and parties affected by the vacation of Bob Gibson Boulevard right-of-way between 10th Street and 13th Street and a portion of 10th Street right-of-way north of Bob Gibson Boulevard as detailed in the attached Exhibits A, B and C – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Gernandt that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 700 – ADOPTED 7-0

EXECUTIVE SESSION

46. 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 Melton

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 3:01 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 9th, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 11th DAY OF JUNE, 2015.