

22nd REGULAR OMAHA CITY COUNCIL MEETING

JUNE 23, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, June 23, 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 Ben Gray.

ROLL CALL

1. City Clerk calls the roll.

CCID # 748 – Present: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Rich Pahls of District No. 5.

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 19, 2015, notice re: Pre-Council and Regular City Council Meetings, June 23, 2015.

CCID # 749 – 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 ORDINANCES ON FINAL READING and Planning Board Attachments

5. 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). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 686 – June 9 and June 16 Meetings)

Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

Chris Wayne, Planning Department, appeared and spoke.

CCID # 686 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40368 – PASSED 7-0

- (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](#).

(See Doc. # 686 – June 9 Meeting)

686 – From Chair on File

6. 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. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 687 – June 9 and June 16 Meetings)

Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

Chris Wayne, Planning Department, appeared and spoke.

CCID # 687 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40369 – PASSED 7-0

- (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](#).
(See Doc. # 687 – June 9 Meeting)

687 – From Chair on File

- 7. Ord. to rezone property located at 2200 North 24th Street from GI – General Industrial District to NBD – Neighborhood Business District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 688 – June 9 and June 16 Meetings)
Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 688 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40370 – PASSED 7-0

- 8. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 689 – June 9 and June 16 Meetings)
Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 689 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40371 – PASSED 7-0

- (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](#).
(See Doc. # 689 – June 9 Meeting)

689 – From Chair on File

9. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 690 – June 9 and June 16 Meetings)
Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 690 – Motion by Gernandt that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40372 – PASSED 7-0

- (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](#).
(See Doc. # 690 – June 9 Meeting)

690 – From Chair on File

10. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 691 – June 9 and June 16 Meetings)
Notice of public hearing on June 23, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 691 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40373 – PASSED 7-0

- (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](#).
(See Doc. # 691 – June 9 Meeting)

691 – From Chair on File

SPECIAL USE PERMIT – BROADCASTING TOWER

11. 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 5/19/15 – [see attached](#). ((PUBLIC HEARING HELD 3/10/15 – CAN BE ADOPTED TODAY))
(See Doc. # 260 – March 10, March 24, April 21 and May 19 Meetings)

CCID # 260 – Motion by Thompson that the Resolution be laid over nine weeks to August 25, 2015

Seconded by Melton

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, 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 5/19/15 – [see attached](#).
(See Doc. # 260 – March 10, March 24, April 21 and May 19 Meetings)

260 – Over to 08/25/15

- (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 5/19/15 – [see attached](#).
(See Doc. # 260 –March 24, April 21 and May 19 Meetings)

260 – Over to 08/25/15

- (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 5/19/15 – [see attached](#).
(See Doc. # 260 –March 24, April 21 and May 19 Meetings)

260 – Over to 08/25/15

- (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 nine weeks to August 25, 2015 – [see attached](#).

260 – From Chair on File

LIQUOR

12. CLASS “C” – Treat America Limited, dba “Treat America Food Service”, 3200 South 60th Street. New application, New location. Property posted: 05-29-15; Notification sent: 06-12-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Robert Sempek, Treat America Food Service, 3200 South 60th Street, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 750 – ADOPTED 7-0

13. CATERING – Treat America Limited, dba “Treat America Food Service”, 3200 South 60th Street. New application, New location. Property posted: 05-29-15; Notification sent: 06-12-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Robert Sempek, Treat America Food Service, 3200 South 60th Street, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 751 – ADOPTED 7-0

14. CLASS “I” – Anderson Restaurant Group, LLC, dba “Baela Rose”, 4919 Underwood Avenue. New application, New location. Property posted: 06-08-15; Notification sent: 06-12-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Kyle Anderson, Anderson Restaurant Group, LLC, 4919 Underwood Avenue, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 752 – ADOPTED 7-0

15. CATERING – 888 Restaurant, LLC, dba “Eat the Worm”, 1213 Howard Street. New application, Old location. Presently holds a Class “C” Liquor License. Property posted: 05-29-15; Notification sent: 06-12-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Lance Wang, Eat the Worm, 1213 Howard Street, appeared and spoke.

CCID # 753 – Motion by Jerram that the application be laid over three weeks to July 14, 2015

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

16. Curri, Inc., dba “Curri”, 1028 South 74th Plaza requests permission to appoint Allison M. Dick manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Allison Dick, Curri, 6235 Karen Street, appeared and spoke.

CCID # 754 – Motion by Thompson that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

17. Howard Street Catering Co., Inc., dba “Embassy Suites Downtown/Old Market”, 555 South 10th Street, requests permission to appoint James Crawford manager of their present Class “I” and Catering Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

James Crawford, 555 South 10th Street, appeared and spoke.

CCID # 755 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

18. Last Call Operating Co 1, Inc., dba “Fox & Hound English Pub & Grille”, 506 North 120th Street, requests permission to appoint Brian J. Shields manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Brian Shields, Fox & Hound English Pub & Grille, 506 North 120th Street, appeared and spoke.

CCID # 756 – Motion by Melton that the request be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

19. Roja, LLC, dba “Roja Mexican Grill & Margarita Bar”, 17010 Wright Plaza, Suite 100, requests permission to appoint Christopher S. Dalton manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Christopher Dalton, Roja Mexican Grill & Margarita Bar, 17010 Wright Plaza, appeared and spoke.

CCID # 757 – Motion by Thompson that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

20. Wadsworth Old Chicago, Inc., dba “Old Chicago”, 1109-1111 Harney Street, requests permission to appoint Sean M. Lamb manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Sean Lamb, Old Chicago, appeared and spoke.

CCID # 758 – Motion by Thompson that the request be approved

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

21. CCW, LLC, dba “Huhot Mongolian Grill”, 990 South 72nd Street, requests permission to appoint Jeffrey L. Cox manager of their present Class “I” Liquor License location – [see attached](#).

Jeffrey Cox, 5004 Fountain Drive, Papillion, NE, appeared and spoke.

CCID # 759 – Motion by Pahls that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (a) CCW, LLC, dba “Huhot Mongolian Grill”, 17660 Wright Street, Suite 12, requests permission to appoint Jeffrey L. Cox manager of their present Class “I” Liquor License location – [see attached](#).

CCID # 760 – Motion by Pahls that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

- (b) Restaurants, Inc., dba “Huhot Mongolian Grill”, 2101 North 120th Street, Suites C6 & C7, requests permission to appoint Jeffrey L. Cox manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 761 – Motion by Pahls that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

22. Wal-Mart Stores, Inc., dba “Walmart Store #3151”, 5018 Ames Avenue, requests permission to appoint Tiffany L. Witt manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Angela Palmer, Walmart Store #5141, 16960 West Maple Road

William Cottier, Walmart Store #3267, 18201 Wright Street

Tiffany Witt, Walmart Store #3151, 5018 Ames Avenue

Scott Susi, Store Manager, 5018 Ames Avenue

CCID # 762 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

23. Wal-Mart Stores, Inc., dba "Walmart Store #3267", 18201 Wright Street, requests permission to appoint William G. Cottier manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Angela Palmer, Walmart Store #5141, 16960 West Maple Road
William Cottier, Walmart Store #3267, 18201 Wright Street
Tiffany Witt, Walmart Store #3151, 5018 Ames Avenue
Scott Susi, Store Manager, 5018 Ames Avenue

CCID # 763 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President
Motion Carried 7-0

24. Wal-Mart Stores, Inc., dba "Walmart Store #5141", 16960 West Maple Road, requests permission to appoint Stephen S. Vavra manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Angela Palmer, Walmart Store #5141, 16960 West Maple Road
William Cottier, Walmart Store #3267, 18201 Wright Street
Tiffany Witt, Walmart Store #3151, 5018 Ames Avenue
Scott Susi, Store Manager, 5018 Ames Avenue

CCID # 764 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President
Motion Carried 7-0

25. Wal-Mart Stores, Inc., dba "Walmart Store #5361", 12850 "L" Street, requests permission to appoint Todd A. Van Essen manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Angela Palmer, Walmart Store #5141, 16960 West Maple Road
William Cottier, Walmart Store #3267, 18201 Wright Street
Tiffany Witt, Walmart Store #3151, 5018 Ames Avenue
Scott Susi, Store Manager, 5018 Ames Avenue

CCID # 765 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, 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. 26 through 27 were held on June 16, 2015.)

CONSENT AGENDA – ORDINANCES

26. 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](#).

(See Doc. # 692 – June 9 and June 16 Meetings)

Notice of public hearing on June 16, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 692 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40374 – PASSED 7-0

27. 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](#).

(See Doc. # 695 – June 9 and June 16 Meetings)

Notice of public hearing on June 16, 2015 published in the Daily Record on June 12, 2015. Ordinance passed on June 23, 2015 published in the Daily Record on July 1, 2015.

CCID # 695 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40375 – PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 28 through 41 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

- 28. Res. that, as recommended by the Mayor, Change Order No. 1 for Charles Vrana and Son Construction Co. to construct the necessary modifications to OPW 52694, being the South Omaha Trail Phase 2 project, located from Karen Park to the Field Club Trail, to complete the planned green infrastructure for this location in conjunction with OPW 52456, being the CSO Conceptual Green Infrastructure Project, is hereby approved; and that the Finance Department is authorized to pay an additional \$1,040,308.64 for these changes from the Stormwater Management Plan Program Fund 12143, Stormwater Management Plan Program Organization 128026 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 706 – ADOPTED 7-0

- 29. Res. that, as recommended by the Mayor, the contract with Swain Construction, Inc. for OPW 52607, being the construction of the Maple Street Improvements, 59th Street to 63rd Street in the amount of \$1,363,350.74, representing the base bid plus Alternates #1-4, is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2010 Transportation Bond Fund 13183, Organization 117117, as a part of the 2015-2020 Capital Improvements Program Transportation Project No. 203, with reimbursements to this fund from other local sources as they become available – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Shelly Kiel, 319 South 53rd Street

Greg Armstrong, Swain Construction, 6002 North 89th Street

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 781 – ADOPTED 7-0

30. Res. that, as recommended by the Mayor, the contract with Lanoha Nurseries, Inc. for OPW 51997 (CSO), being Missouri Avenue/Spring Lake Park Mitigation Plantings, in the amount of \$320,210.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918, year 2015 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 767 – ADOPTED 7-0

31. Res. that, as recommended by the Mayor, the attached rate structure for 2015 permitting Omaha's Air Quality Control (AQC) to collect fees to offset the cost of the operating permit and asbestos inspection programs in Omaha, is hereby approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 768 – ADOPTED 7-0

32. Res. that, as recommended by the Mayor, pursuant to Omaha Municipal Code Section 31-148, a special billing rate for sewer service provided to Willow Springs Bottling, located at 8510 K Street, based on a water loss allowance due to documented production losses, shall be established in accordance with the terms and conditions stated herein – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 769 – ADOPTED 7-0

33. Res. that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of Omaha officially designates the Millard Days Parade as a special event under LB 589 and NEB. REV. STAT. §39-1359 R.R.S. 2008 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway 50 from "L" Street to "P" Street on August 29, 2015, between the hours of 11:00 a.m. and 1:15 p.m., for the entire route of the Millard Days Parade Committee's special event, the Millard Days Parade – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 770 – ADOPTED 7-0

AGENDA ITEM NO. 34 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF COUNCILMEMBER GERMANDT

34. Res. that, the City accepts the attached U. S. Environmental Protection Agency Cooperative Agreement Amendment V-97748601-0, which approves funding in the amount of \$31,099,470.00 to continue activities under the Record of Decision for the Omaha Lead Site pertaining to soil testing and remediation for the Agreement period of June 1, 2015 to May 31, 2022; and to accept subsequent amendments to extend the time period and to award additional funding under this Cooperative Agreement – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Kara Eastman, President/CEO, Omaha Healthy Kids Alliance, 5006 Underwood Avenue

For the City: James Thele, Planning Director

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 771 – ADOPTED 7-0

35. Res. that, as recommended by the Mayor, the attached Inter-Local HOME Agreement between the City of Omaha and the City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503, authorizing the City of Omaha to provide to the City of Council Bluffs a total of \$103,959.00 in HOME funds for down payment assistance toward the purchase of newly constructed single-family homes consisting of five (5) HOME-assisted units. These five (5) single-family homes will be available to qualified low- and moderate-income households, whose annual household incomes are 80% and below the Median Family Income (MFI), and will be located on sites to be determined at a later date within the City of Council Bluffs, is hereby approved. Funds in the amount of \$103,959.00 shall be payable from the FY 2014 HOME Housing Development Program, Fund No. 12179, Organization No. 128071 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 772 – ADOPTED 7-0

36. Res. that, as recommended by the Mayor, the attached Agreement between the City of Omaha and GESU Housing, Inc. (GESU), a Nebraska Non-profit Corporation, Brother Mike Wilmot, S.J., President, 5008 1/2-B Dodge Street, Omaha, Nebraska 68132, to provide \$520,000.00 (comprised of \$150,000.00 in HOME Program funds, and \$370,000.00 in funds from the Nebraska Affordable Housing Trust Fund (NAHTF) to GESU for new construction of five (5) single-family houses to be located at 4244 and 4228 Erskine Street, 4138 and 4140 Burdette Street and 4220 Grant Street in the Clifton Hills South Neighborhood New Single-Family Housing Infill Program Target Area, and the subsequent purchase of the HOME, NAHTF and private funded houses by a qualified low- and moderate-income family whose gross annual household income is 80% and or 100% or below the MFI, is hereby approved. HOME funds in the amount of \$150,000.00 shall be paid from the FY 2014 Single-Family New Infill Housing Fund No. 12179, Award No. 100181, Project No. 4500, Organization No. 128071 and \$370,000.00 from the NAHTF Award No. 13-TFHP-2078 Fund No. 12141, Organization 128101 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 773 – ADOPTED 7-0

37. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,500.00 for the rehabilitation and lead reduction work to the property located at 5719 North 33rd Avenue, Omaha, NE 68111, owned by Bojan Ninkovic, a single person, 2105 Childs Rd E #1705, Bellevue, NE 68005, is hereby approved. Funds in the amount of \$24,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 774 – ADOPTED 7-0

38. Res. that, the Request for Proposal (RFP) for the installation, placement, maintenance, and removal of bus stop benches, with or without advertising is hereby approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 775 – ADOPTED 7-0

39. Res. that the appointment by the Mayor of Brian K. Magee, Sr., as the owner or operator of a business or property within a landmark preservation district, as a member of the Landmarks Heritage Preservation Commission, to serve a three-year term commencing on June 19, 2015, and expiring on June 18, 2018, be and hereby is confirmed and approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 776 – ADOPTED 7-0

40. Res. that the appointment by Mayor Jean Stothert of Kristina Engler as the at-large landscape architect representative of the Public Art Commission to serve a three-year term which will commence upon confirmation by the City Council, and expire three-years thereafter, is hereby confirmed and approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 782 – ADOPTED 7-0

41. Res. that the appointment by Mayor Jean Stothert of Kurt Cisar as the licensed architect member of the Urban Design Review Board, to serve a three-year term commencing upon confirmation by the City Council, and expiring three-years thereafter, be and hereby is confirmed and approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 783 – 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 NOS. 42 THROUGH 43
SHALL BE LAID OVER THREE WEEKS
FOR PUBLICATION AND PUBLIC HEARING”**

RESOLUTIONS

42. Res. that, the attached Benson Mixed-Use Tax Increment Financing (TIF) Redevelopment Project Plan for a site generally located southwest of 60th Street and Northwest Radial Highway which contemplates the construction of a new mixed-use development to accommodate 141 market rate residential apartment units, a new parking structure, and 10,800 square feet of commercial space along with the demolition of the existing branch bank building inclusive of the parking lots over two phases, recommending the City’s participation through the allocation of TIF in an amount up to \$3,175,787.00 to offset TIF eligible expenses such as acquisition, architectural and engineering fees, site work and demolition costs, and all public improvements associated with this project, 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 – [see attached](#).

Notice of public hearing on July 14, 2015 published in the Daily Record and the Omaha World Herald on June 25, 2015 and July 2, 2015.

CCID # 777 – Over three weeks to July 14, 2015 for publication and public hearing pursuant to City Council Rule VII F.

43. Res. that, the attached Rows on South Hill Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at 1228, 1230 and 1234 South 10th Street and 1229 & 1233 South 11th Street proposes the demolition, clearing and grading of the site in preparation for up to 36 new 3-story attached single family town house units which will contain 2 bed/ 2 baths with 1 or 2 car garage configurations, recommends the City’s participation through the allocation of TIF in an amount up to \$1,500,000.00 to offset TIF eligible expenses such as acquisition, site work and demolition, any erosion control, architectural and engineering fees, 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 – [see attached](#).
Notice of public hearing on July 14, 2015 published in the Daily Record and the Omaha World Herald on June 25, 2015 and July 2, 2015.

CCID # 778 – Over three weeks to July 14, 2015 for publication and public hearing pursuant to City Council Rule VII F.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 44 THROUGH 48
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

44. Ord. to approve an amendment to the Future Land Use Element of the Master Plan for the City of Omaha, to incorporate the land use plan adopted within the 10th Street Neighborhood Conservation/Enhancement (NCE) Plan into the future land use map for properties located in an area generally along 10th Street from Pacific Street to Interstate-80 and along Pierce Street from 5th Street to 10th Street; and to provide for the effective date hereof – [see attached](#).
(See Doc. # 731 – June 16 Meeting)

CCID # 731 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 30, 2015 as per City Charter requirements.

45. Ord. to rezone the property located at 3932 North 21st Street from R7-Medium-Density Multiple-Family Residential District to R5-Urban Family Residential District.
(See Doc. # 732 – June 16 Meeting)

CCID # 732 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 30, 2015 as per City Charter requirements.

46. Ord. to rezone the properties located at 1409 and 1411 North 58th Street from R4(35)-Single-Family Residential District (High Density) to R5-Urban Family Residential District.
(See Doc. # 733 – June 16 Meeting)

CCID # 733 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 30, 2015 as per City Charter requirements.

47. Ord. to rezone property located southeast of 252nd and Blondo Streets from AG-Agricultural District to AG-Agricultural District.
(See Doc. # 734 – June 16 Meeting)

CCID # 734 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 30, 2015 as per City Charter requirements.

48. Ord. to rezone property located southeast of 252nd and Blondo Streets from AG-Agricultural District to DR-Development Reserve District.
(See Doc. # 735 – June 16 Meeting)

CCID # 735 – ORDINANCE ON SECOND READING – Final reading and public hearing to be held on June 30, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING

49. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 204th & Cumberland Drive Intersection Improvement Project, identified as City Project No. OPW 52588, providing that the City negotiate with the property owners for partial land acquisitions and temporary construction easements; 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 738 – June 16 Meeting)

CCID # 738 – Public hearing was held today – Final reading set for June 30, 2015 as per City Charter requirements.

50. Ord. approving an Agreement between the City of Omaha and George Butler Associates, Inc., involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide sewer system evaluation surveys (SSES) to be identified as OPW 52768, being Combined Sanitary Sewer System Evaluation in the Little Papillion Creek Sewersheds, in an amount not to exceed \$3,694,910.00; to authorize the Finance Department to pay this cost from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918 in the amount of \$1,306,610.00, Sewer Separation Organization 116912 in the amount of \$138,300.00, and Neighborhood Sewer Renovation Organization 116911 in the amount of \$2,250,000.00. Sewer Revenue Bonds will be issued to finance this project; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 739 – June 16 Meeting)

CCID # 739 – Public hearing was held today – Final reading set for June 30, 2015 as per City Charter requirements.

51. Ord. approving an Agreement between the City of Omaha and TREKK Design Group, Inc., involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide sewer system evaluation surveys (SSES) to be identified as OPW 52769, being Combined Sanitary Sewer System Evaluation in the Missouri River Sewersheds, in an amount not to exceed \$3,139,734.00; to authorize the Finance Department to pay this cost from the Sewer Revenue Improvements Fund 21124, Sewer Separation Organization 116912 in the amount of \$415,665.00 and CSO Control Implementation Organization 116918 in the amount of \$2,724,069.00. Sewer Revenue Bonds will be issued to finance this project; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 740 – June 16 Meeting)

CCID # 740 – Public hearing was held today – Final reading set for June 30, 2015 as per City Charter requirements.

52. Ord. to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-188 at 1001 South 10th Street, as requested by Ariel Roblin of KETV, Hearst Properties, Inc.; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 741 – June 16 Meeting)

James Thele, Planning Director, appeared and spoke.

CCID # 741 – Public hearing was held today – Final reading set for June 30, 2015 as per City Charter requirements.

53. Ord. to accept the bid from Alamar Uniforms with its principal place of business at 3105 Leavenworth Street, Omaha, Nebraska, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide firm price commitments per item for two years, on Omaha Police Department standard uniform items, which are to be provided to members of the Omaha Police Department, although prices have been specifically determined by the bid, the exact costs are indeterminate and will vary depending on the purchases, they are anticipated to be in the approximate area of, with the possibility of exceeding, the sum of \$521,280.60, over the two year period; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 742 – June 16 Meeting)

CCID # 742 – Public hearing was held today – Final reading set for June 30, 2015 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 54 THROUGH 55
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

54. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 74th and Nina Lift Station Project, identified as City Project No. OPW 52182, providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

CCID # 779 – Publication to be made and public hearing to be held on June 30, 2015 as per City Charter requirements.

55. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and DSL Hospitality, LLC, a Nebraska limited liability company, to implement the Midtown Hotel at Saddle Creek & Dodge Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at the southeast corner of Saddle Creek Road and Dodge Street, which provides for the demolition and clearing of the existing structures in preparation for the construction of a 3-5-story hotel with 102 guest rooms and an internal parking structure containing 105 parking spaces; the agreement authorizes the use of up to \$2,582,923.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#).

CCID # 780 – Publication to be made and public hearing to be held on June 30, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

56. 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: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

ADJOURNED: 3:28 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 23rd, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 24th DAY OF JUNE, 2015.

