

CITY COUNCIL AGENDA FOR FEBRUARY 7, 2012

LEGISLATIVE CHAMBERS - 2:00 P.M.

Agenda and Link to Agenda Items
Available at <http://www.ci.omaha.ne.us>

ROLL CALL

1. City Clerk calls the roll.
2. Pledge of Allegiance.
3. Invocation by Councilmember Pete Festersen of District No. 1.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on February 3, 2012, notice re: Pre-Council and Regular City Council Meetings, February 7, 2012.

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.

ORDINANCES AND RESOLUTION ON FINAL READING RE: BONDS

5. Ord. supplemental to Ordinance No. 35046, authorizing and providing for the issuance and sale of not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000) Special Tax Revenue Refunding Bonds (Downtown Northeast Redevelopment Project), Series 2012B, of the City of Omaha, Nebraska for the purpose of paying all or part of the cost of refunding and redemption of the City's \$3,260,000 outstanding aggregate principal amount Special Tax Revenue Bonds (Downtown Northeast Redevelopment Project), Series 1999, the proceeds of which were applied to pay costs of the relocation, construction and installation of public improvements relating to the redevelopment of northeast downtown Omaha, Nebraska; prescribing the form and detail of said Bonds; ratifying and confirming the creation of a Community Development Agency; providing for the annual certification of the amount of Community Redevelopment Tax to be levied for each succeeding fiscal year; pledging the Special Tax Revenues to the payment of the principal of and interest on said Bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the payment of said Bonds solely to said Special Tax Revenues; creating and establishing funds and accounts; authorizing the sale of said Bonds by negotiation; providing for the redemption and defeasance of the Series 1999 Bonds; providing for continuing disclosure; making other covenants and agreements in connection with the foregoing; and appointing a paying agent and registrar; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said Bonds; and providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

6. Ord. supplemental to Ordinance No. 35840, as supplemented by Ordinance No. 38029, authorizing and providing for the issuance and sale of not to exceed Forty-One Million Dollars (\$41,000,000) Special Obligation Refunding Bonds (Riverfront Redevelopment Project), Series 2012, of the City of Omaha, Nebraska for the purpose of paying all or part of the cost of the refunding and redemption of the City's \$39,880,000 outstanding aggregate principal amount Special Obligation Bonds (Riverfront Redevelopment Project), Series 2002A, the proceeds of which were applied to pay costs of the removal, relocation, construction and installation of public improvements relating to the redevelopment of the former Asarco Lead Refining Facility at Lewis and Clark Landing, the Gallup Plan Area and the Sewer Project; prescribing the form and detail of said Bonds; ratifying and confirming the creation of a Community Development Agency; providing for the annual certification of the amount of City funds encumbered for use in the same calendar year in connection with a sewer separation project; pledging certain cigarette tax revenues, tax allocation revenues, sewer revenues, land revenues and sales tax revenues to the payment of the principal of, premium, if any, and interest on said Bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the obligation to pay said Bonds solely to said cigarette tax revenues, tax allocation revenues, sewer revenues, land revenues and sales tax revenues; creating and establishing funds and accounts; authorizing the sale of said Bonds by negotiation; providing for the defeasance and redemption of the Series 2002A Bonds; providing for continuing disclosure; making other covenants and agreements in connection with the foregoing; and appointing a paying agent and registrar; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said Bonds; and providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

7. Ord. supplemental to Ordinance No. 35839, as supplemented by Ordinance No. 38028, authorizing and providing for the issuance and sale of not to exceed Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000) Special Tax Revenue Refunding Redevelopment Bonds, Series 2012A, of the City of Omaha, Nebraska for the purpose of paying all or part of the cost of refunding and redemption of the City's \$8,670,000 outstanding aggregate principal amount Special Tax Revenue Redevelopment Bonds, Series 2002A, the proceeds of which were applied to pay costs of the removal, relocation, construction and installation of public improvements relating to the redevelopment of the Project Two Plan Area, the Project Four Plan Area and the Stockyards East Redevelopment Project Area; prescribing the form and detail of said Bonds; ratifying and confirming the creation of a Community Development Agency; providing for the annual certification of the amount of Community Redevelopment Tax to be levied for each succeeding fiscal year; pledging the Special Tax Revenues to the payment of the principal of and interest on said Bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the payment of said Bonds solely to said Special Tax Revenues; creating and establishing funds and accounts; authorizing the sale of said Bonds by negotiation; providing for the defeasance and redemption of the Series 2002A Bonds; providing for continuing disclosure; making other covenants and agreements in connection with the foregoing; and appointing a paying agent and registrar; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said Bonds; and providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

8. Res. regarding the redemption of the City of Omaha's \$39,880,000 outstanding Special Obligation Bonds (Riverfront Redevelopment Project), Series 2002A, \$8,670,000 outstanding Special Tax Revenue Redevelopment Bonds, Series 2002A, and \$3,260,000 outstanding Special Tax Revenue Bonds (Downtown Northeast Redevelopment Project), Series 1999, and approving and authorizing the execution, delivery and distribution of the Preliminary Composite Official Statement and Bond Purchase Agreement pertaining to the not-to-exceed \$53,350,000 aggregate principal amount of City of Omaha Special Obligation Refunding Bonds (Riverfront Redevelopment Project), Series 2012, Special Tax Revenue Refunding Redevelopment Bonds, Series 2012A, and Special Tax Revenue Refunding Bonds (Downtown Northeast Redevelopment Project), Series 2012B – see attached. ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

RESOLUTIONS RE: PRELIMINARY PLATS AND PLATS

9. Res. that the preliminary plat entitled WHISPERING RIDGE WEST REPLAT THREE, located Southeast of 176th and Wirt Streets, 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))
- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of WHISPERING RIDGE WEST REPLAT THREE, located Southeast of 176th and Wirt Streets – Outside City – [see attached](#).

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD FEBRUARY 21, 2012
AGENDA ITEM NOS. 10 THROUGH 11
SHALL BE LAID OVER THREE WEEKS TO FEBRUARY 28, 2012
FOR PUBLICATION AND PUBLIC HEARING”**

10. Res. that the preliminary plat entitled 84TH & GROVER PLACE, located at 3434 South 84th Street, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of 84TH & GROVER PLACE, located at 3434 South 84th Street – Inside City – [see attached](#).
11. Res. that the plat entitled 84TH & GROVER PLACE, located at 3434 South 84th Street, is hereby approved and accepted – Inside City – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of the Final Plat of 84TH & GROVER PLACE, located at 3434 South 84th Street – Inside City – [see attached](#).

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD FEBRUARY 21, 2012
AGENDA ITEM NOS. 12 THROUGH 13
SHALL BE LAID OVER THREE WEEKS TO FEBRUARY 28, 2012**

12. Res. that the preliminary plat entitled HARRISON PARK REPLAT 5, located Southwest of 190th and Adams Streets, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of HARRISON PARK REPLAT 5, located Southwest of 190th and Adams Streets – Outside City – [see attached](#).
13. Res. that the replat transmitted herewith entitled HARRISON PARK REPLAT 5, located Southwest of 190th and Adams Streets, is hereby approved, and concurrently a portion of the existing plats entitled Harrison Park and Harrison Park Replat 3, and described on said replat, is hereby vacated – Outside City – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of the Final Plat of HARRISON PARK REPLAT 5, located Southwest of 190th and Adams Streets – Outside City – [see attached](#).

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD FEBRUARY 21, 2012
AGENDA ITEM NOS. 14 THROUGH 15
SHALL BE LAID OVER THREE WEEKS TO FEBRUARY 28, 2012
FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMITS – AUTOMOTIVE SALES

14. Res. that the Special Use Permit application submitted by Keith McNeese for a Special Use Permit to allow Automotive sales in a GC-General Commercial District, located at 3824 North 30th 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, and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#).

- (a) Planning Board and Planning Department recommend DENIAL of the request of Keith McNeese for a Special Use Permit to allow Automotive sales in a GC District located at 3824 North 30th Street – [see attached](#).

15. Res. that the Special Use Permit application submitted by Anthony Catania for a Major Amendment to a Special Use Permit to allow Automotive sales in a GC-General Commercial District, located at 4412 South 42nd 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. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#).

- (a) Planning Board and Planning Department recommend approval of Anthony Catania for a Major Amendment to a Special Use Permit to allow Automotive sales in a GC District, located at 4412 South 42nd Street – [see attached](#).

* * * * *

LIQUOR

16. PACKAGE – Buck’s, Inc., dba “Bucky’s”, 4414 North 30th Street. New application, Old location. Present licensee is Newman’s Gas Pump’s, LLC, dba “Newman’s Gas Pump’s”, 4414 North 30th Street, who has a Package Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

17. CATERING – Myron Green Corporation, dba “Treat America”, 3555 Farnam Street. New application, Old location. Presently holds a Class “C” Liquor License. Property posted: 01-19-12; Notification sent: 01-27-12 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO APPROVE OR NOT TO APPROVE))

18. Sam's Club West, Inc., dba "Sam's Club #8146", 13130 "L" Street, requests permission to appoint Adam R. Horn manager of their present Class "C" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

19. 777, Inc., dba "Clancy's Pub", 777 North 114th Street, request permission for a Special Designated License for a beer garden on March 16-17, 2012 from 6:00 a.m. to 2:00 a.m. with music until 12:00 midnight – [see attached](#).
 - (a) 777, Inc., dba "Clancy's Pub", 777 North 114th Street, request permission for a Special Designated License for a beer garden at One Sixty-Eight, Inc., dba "Clancy's Pub", 2905 South 168th Street on March 16-17, 2012 from 6:00 a.m. to 2:00 a.m. with music until 12:00 midnight – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

20. Seventy-One Twenty Eight & Pacific, Inc., dba "Clancy's Pub", 7120 Pacific Street, request permission for a Special Designated License for a beer garden on March 16-17, 2012 from 6:00 a.m. to 2:00 a.m. with music until 12:00 midnight – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed. 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 provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 21 through 26 were held on January 31, 2012.)

CONSENT AGENDA – ORDINANCES

21. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the Martha Street Area-Residential Combined Sewer Separation, in the area of Castelar Street (6th to 8th streets) and Cedar Street (4th to 5th streets), also known as City Project No. OPW 51880 (CSO), 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](#).

22. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing intersection improvements where 84th Street intersects with 'L' Street, project identified as OPW 51642 - C.N. 22429; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

23. Ord. approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Agreement with Habitat for Humanity of Omaha, Inc., a Nebraska non-profit Corporation, 2204 Ames Avenue, Omaha, NE 68110, to convey property, legally described as Lots 116, 117, and 118, Maenner and Wilson's Addition, an addition to the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska (commonly known as 3704, 3706, 3708 Erskine St.), for use in development of affordable housing, located within the North Neighborhood Revitalization Strategy Area (NRSA), in consideration of the sum of One and 00/100 Dollars (\$1.00); there are no expenditures associated with the conveyance of the property; and to provide the effective date hereof – [see attached](#).

24. Ord. to approve the execution of a Professional Services Agreement between the City of Omaha and the Electric & Gas Industries Association (EGIA) to provide home energy efficiency financing program administration and contractor outreach and development for the reEnergize Program, formerly called the Omaha/Lincoln Retrofit Ramp-up (OLRR); providing for payment in the amount of one-hundred thousand dollars for services and allocation of \$680,000.00 toward a Fund Account for interest rate buy-down, during a project period extending from February 1, 2012 to May 1, 2013; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#).

25. Ord. to accept the bid of Dana Enterprises, Inc. in the amount of \$37,752.00 for 20 cubic yard dumpster service at District 2 in Karen Park, Levi Carter Butler Building, N.P. Dodge Building, Tranquility Park and Zorinsky Recreation Area for the Park Maintenance Division for the Parks, Recreation and Public Property Department for a one-year period beginning April 1, 2012 and ending March 31, 2013, extendible for an additional one-year period at the sole option of the City, to authorize payment in accordance therewith; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date – [see attached](#).

26. Ord. to amend Omaha Municipal Code Sec. 6-162, to modify the process by which a potentially dangerous animal determination can be removed after expiration of the two-year period; to repeal Sec. 6-162 as heretofore existing; and to provide the effective date thereof – [see attached](#).

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

* * * * *

(The public hearings on Agenda Item Nos. 27 through 38 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

27. Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and Keep Omaha Beautiful (KOB) to promote the Cleanup Omaha Campaign for 2012 is hereby approved, and that the Finance Department is authorized to pay KOB \$40,000 from the General Fund 11111, Solid Waste Collection and Disposal Organization 116321, year 2012 expenditure – [see attached](#).

28. Res. that, the Maintenance Agreement among the City of Omaha, Bella Terra, LLC, a Nebraska limited liability company, and Sterling Ridge Master Owners Association, a Nebraska not for profit corporation, as recommended by the Mayor, providing for the maintenance of roadside features and landscaping within City right-of-way at the Sterling Ridge development located Southeast of 132nd Street and Pacific Street, is hereby approved – [see attached](#).

29. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to accept the bids from U.S. Asphalt Co., Flinn Paving Co., Inc., and Minneapolis Asphalt for asphalt patching materials to be purchased in the 2012-2013 season; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2012 expenditures – [see attached](#).

30. Res. that, as recommended by the Mayor, the park closing hours will be suspended at Elmwood Park, 802 South 60th Street, Omaha, Nebraska between 11:00 p.m. on Friday, April 20, 2012 and 5:00 a.m. on Saturday, April 21, 2012, to accommodate the overnight security, for the Earth Day Omaha event – [see attached](#).

31. Res. that, as recommended by the Mayor, the purchase based upon the proposal from Turn Key Mobile, Inc. in the amount of \$1,192,370.00, for the purchase of 130 Panasonic cruiser video cameras for the Omaha Police Department, is hereby approved, and that the Finance Department of the City of Omaha is authorized to pay \$1,192,370.00 for the cost of the 130 Panasonic cruiser video cameras from Year 2011, Fund 11111, Organization 113213, Account 47013 Computers/Security/Phone/ Equipment – [see attached](#).

32. Res. that, as recommended by the Mayor, the purchase from First Line Technology, a sole source vendor provided in Chapter 5.16 of the Home Rule Charter in the amount of seventy-one-thousand eight-hundred thirty-five dollars and seventy-nine cents (\$71,835.79) for the purchase of one-hundred eight-three (183) SWEDE Basic Cooling Vests that will be used by the Omaha Metropolitan Medical Response System (OMMRS), allowing area OMMRS decontamination teams to safely operate during the decontamination process, is hereby approved; and, that the Finance Department is authorized to pay the amount of \$71,835.79 budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2009 Metropolitan Medical Response System Grant, Award #2009-SS-T9-0061, Fund 12151, Organization 130762 – [see attached](#).

33. Res. that, the appointment by Mayor Jim Suttle of Jay Lund, owner of property located at 6054 Maple Street, to be a member of the Benson Business Improvement Area Board to serve a term from his appointment on February 7, 2012 until such term shall expire on February 6, 2017, is hereby confirmed by the City Council – [see attached](#).

34. Res. that the re-appointment by the Mayor of William E. Miller, as the Journeyman Electrician/Open Shop member of the Electrical Board, to serve a three-year term to commence on February 14, 2012, and expire on February 13, 2015, is hereby confirmed – [see attached](#).

35. Res. that the reappointment by the Mayor of Eduardo Santamaria as historical society/preservation/architectural/landscape/interiordesign/planning/cultural member of the Landmarks Heritage Preservation Commission to serve a three-year term to commence on February 14, 2012, and expire on February 13, 2015, is hereby confirmed – [see attached](#).

36. Res. that the reappointment by the Mayor of Barbi Hayes as a member of the Park and Recreation Board, to serve a three-year term commencing on February 14, 2012, and expiring February 13, 2015, be and hereby is confirmed and approved – [see attached](#).

37. Res. that a change of representation of Anne M. Peterson from an at-large representative to the landscape architect of the Public Art Commission, to serve in that capacity upon confirmation by the City Council, and expiring January 11, 2015, be and hereby is confirmed and approved – [see attached](#).

38. Res. that the Nebraska Restaurant Association Hospitality Education Foundation is hereby authorized to conduct one (1) lottery within the City of Omaha beginning February 15, 2012, in accordance with any permits or conditions required or imposed by state law – [see attached](#).

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

* * * * *

ORDINANCES ON FINAL READING

39. Ord. to approve an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Agreement with Dicon, Inc., a Corporation organized in the State of Nebraska, 11506 Nicholas Street, Omaha, NE 68154, to sell the property described in the attached Agreement, located at 325 South 16th Street, to Dicon, Inc., in consideration of the sum of One Hundred Fifty-Seven Thousand Five Hundred and 00/100 Dollars (\$157,500.00), which is an amount greater than the appraised value of the property and improvements, to renovate the building for commercial and residential use; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

(a) Amendment requested by the Law Department – [see attached](#).

40. Spec. 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: 2011-1 – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

(a) Amendment requested by the Planning Department – [see attached](#).

41. Spec. Ord. levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha. Group No: 2012-04 – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).
 - (b) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#)
42. Spec. Ord. levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha. Group No: 2012-05 – [see attached](#). ((PUBLIC HEARING HELD 1/31/12 – CAN BE PASSED TODAY))
- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).
 - (b) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#)

RESOLUTION

43. Res. that the City of Omaha Law Department is authorized to make an offer to allow judgment to be entered against the City of Omaha and/or one or more individual defendants in the federal court litigation entitled *Elizabeth Higgins and Shawn Simoens v. Joachim Dankiw, et al.*, Case No. 8:08-cv-0215. The offer shall not exceed an amount identified to Councilmembers in a confidential attorney-client communication prior to adoption of this resolution. If the offer is accepted, the funds shall be paid from the Judgment Fund, Fund 12111, Org 121101 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

APPEAL RE: BID REJECTION

44. Jim Kissick, representing Kissick Construction Company, Inc., appeals the rejection of their bid of January 11, 2012 for the OPW 51892 (CSO) - Nicholas Street Sewer Extension - Phase I project – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO ALLOW OR DENY THE APPEAL AND, IF ALLOWED, DIRECT THE DEPARTMENT ACCORDINGLY))

- (a) Communication submitted by Hawkins Construction Co., re: the appeal of Kissick Construction Company, Inc. for the rejection of their bid of January 11, 2012 for the OPW 51892 (CSO) - Nicholas Street Sewer Extension - Phase I project – [see attached](#).

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING ON AGENDA ITEM NO. 45
SHALL BE HELD ON THE THIRD READING”**

ORDINANCE ON SECOND READING

- 45. Ord. to approve an amendment to the Land Use Element of the Master Plan for the City of Omaha, to change the future land designation from low density residential to office/commercial for property located Northeast of 85th Avenue and Cass Street; and to provide for the effective date hereof – [see attached](#).

* * * * *

ORDINANCES ON SECOND READING

- 46. Ord. approving the contract with Hawkins Construction Co., Inc. for OPW 51892 (CSO), being Nicholas Street from 10th Street to 16th Street Sewer Extension Phase I in the amount of \$15,850,599.68; 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))

- 47. Ord. approving the contract with Hawkins Construction Company for OPW 52200 (CSO), being Schedule A – Missouri River Wastewater Treatment Plant South Omaha Industrial Area Facilities in the amount of \$20,054,264.00; 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))

48. Ord. approving a contract with MAP Communications, Inc. for after hours telephone answering service for the Street Maintenance Division at an estimated cost of \$1,000.00 per month for a period of 12 months extendable by agreement of both parties for 12 additional months for up to two additional years; 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))

49. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant and improved properties located in the Amended 18th and Locust Area Redevelopment Plan, an area generally defined by Locust Street on the North, the alley east of 18th Street on the East, a line following the property lines approximately 115 feet south of Corby Street on the South, and 19th Avenue on the West, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as sites for implementing the Amended 18th and Locust Area Redevelopment Plan by the construction of new, owner occupied housing; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; project costs will be paid from Community Development Block Grant award, Fund No. 12186, Organization No. 129139, Project No. 3526, Task No. 8.01; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

50. Ord. to approve acceptance of the bid of Medical Enterprises, Inc. to a Request for Proposals for Medical/Fitness Examination, Testing & Evaluation Services for the Omaha Fire Department in an amount up to two hundred twenty-eight thousand eight hundred ninety-six dollars (\$228,896) for the first year with two one-year options at the sole discretion of the Omaha Fire Department; in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended, to provide for payment to Medical Enterprises, Inc. for medical fitness examination, testing and evaluation services for a term of one year with an option of two one-year extensions at various prices provided in response to a request for proposals to be paid from the 2012 Omaha Fire Department budget, Fund 11111, Organization 114534, Account Code 42239 for professional fees and Account Code 42235 for personnel testing; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

51. Ord. to waive the provisions of Omaha Municipal Code section 15-2 prohibiting the sale of alcoholic liquor before 12:00 noon on Sunday; to authorize sale of distilled spirits commencing at 7:00 a.m. at Maplewood Lanes, 3030 North 101st Street, Omaha, Nebraska, on Sunday, February 26, 2012; and to provide an effective date immediately upon passage – [see attached](#). ((PUBLIC HEARING TODAY))

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD FEBRUARY 21, 2012 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 52 THROUGH 60 SHALL BE HELD ON FEBRUARY 28, 2012”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

52. Ord. to amend the boundaries of the ACI-1(50) district of the Area of Civic Importance Overlay District, to incorporate into that district the property generally located along South 24th Street from Leavenworth Street to “S” Street; and to provide for an effective date – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of an ACI-1(50)-Area of Civic Importance Overlay District, generally located along South 24th Street from Leavenworth Street to “S” Street – [see attached](#).
53. Ord. to rezone property located at 3434 South 84th Street from CC-Community Commercial District to DR-Development Reserve District (portions of which property lie within the flood fringe and floodway).
54. Ord. to rezone property located at 3434 South 84th Street from CC-Community Commercial District to CC-Community Commercial District (portions of which property lie within the flood fringe and floodway).
55. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 3434 South 84th Street; and to provide for an effective date – [see attached](#).

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 3434 South 84th Street from CC to DR and CC (portions of which property lie within the flood fringe and floodway) and approval of an MCC Overlay District – [see attached](#).

- 56. Ord. to rezone property located at 11025 M Street from GI-General Industrial District to CC- Community Commercial District.
 - (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 11025 M Street from GI to CC – [see attached](#).

- 57. Ord. to rezone the properties located at 6616 South 171st Circle and 6627 South 172nd Avenue from R4-Single-Family Residential District (High Density) and R5-Urban Family Residential District to R4-Single-Family Residential District (High Density).

- 58. Ord. to rezone the properties located at 6616 South 171st Circle and 6627 South 172nd Avenue from R5-Urban Family Residential District to R5-Urban Family Residential District.
 - (a) Planning Board and Planning Department recommend DENIAL of a request to rezone properties located at 6616 South 171st Circle and 6627 South 172nd Avenue from R4 and R5 to R4 and R5 – [see attached](#).

- 59. Ord. to rezone property located Southwest of 190th and Adams Streets from DR-Development Reserve District and R5-Urban Family Residential District to DR-Development Reserve District.
 - (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southwest of 190th and Adams Streets from DR and R5 to DR – [see attached](#).

ORDINANCE ON FIRST READING and Planning Board Attachment

- 60. Ord. declaring City-owned real property at 3434 South 84th Street (currently City of Omaha Fire Station #51) to be surplus property no longer needed for public purposes; approving the attached Agreement for the sale of the said property to Platte County Ambulance, L.L.C. d.b.a. Midwest Medical Transport, for \$658,000; and providing the effective date hereof – [see attached](#).
 - (a) Planning Board and Planning Department recommend approval of the Surplus Declaration and Disposal of City-owned property located at 3434 South 84th Street (currently City of Omaha Fire Station #51) – [see attached](#).

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII C THE
PUBLIC HEARINGS ON AGENDA ITEM NOS. 61 THROUGH
63 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

- 61. Ord. to accept the bid and the attached agreement of Pepsi Beverages Company to provide vending machine concessions at the various locations from November 2011, through December 31, 2012. The City reserves the right to extend this contract on a yearly basis for three one-year terms at the sole option of the City, to authorize payment in accordance therewith; to authorize the Purchasing Agent to issue a purchase order in the total amount of \$36,180.00, plus 35% of gross receipts; and to provide an effective date – [see attached](#).

- 62. Ord. to approve a seven year interlocal agreement among the City of Omaha, Douglas County and the Omaha Public Library Board to provide library services to residents of unincorporated Douglas County in exchange for certain payments from Douglas County, and to provide an effective date – [see attached](#).

63. Ord. to approve an Agreement between the City of Omaha and the SilverStone Group in the amount of \$51,750 to serve as the third-party benefits consultant to the City of Omaha Human Resources Department and the Healthcare Task Force during the period of October 1, 2011 to March 31, 2013; to authorize funding for such agreement from the Federal Mediation and Conciliation Service City of Omaha Labor-Management Cooperation Grant, #11-NE/A-004, Fund 12158, Organization 130804; and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, to provide for the effective date hereof – [see attached](#).

* * * * *

EXECUTIVE SESSION

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

**CITY CLERK REPORTS PLANS OF ASSESSMENT
RECEIVED FOR BOARD OF EQUALIZATION MEETING
TO BE HELD FEBRUARY 7, 2012 AT 1:00 O’CLOCK P.M.**

This agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha-Douglas Civic Center, 1819 Farnam, LC 1, Omaha, NE, during normal business hours.

All requests for sign language interpreters (signers) will require a minimum of 48 hours advance notice. Alternative formats require a minimum of 72 hours advance notice. Please contact Sandra L. Moses - 444-5552 if arrangements need to be made.