

CITY COUNCIL AGENDA FOR OCTOBER 16, 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 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 October 12, 2012, notice re: Pre-Council and Regular City Council Meetings, October 16, 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.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. Ord. to rezone property located East of 99th Street and South of Redick Avenue from LI-Limited Industrial District to R7-Medium-Density Multiple Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
 - (a) Planning Board and Planning Department recommend approval of a request to rezone property located East of 99th Street and South of Redick Avenue from LI to R7 – [see attached](#).
6. Ord. to approve a PUD-Planned Unit Development Overlay District in a R7-Medium-Density Multiple-Family Residential District located East of 99th Street and South of Redick Avenue, to approve the Development Plan, and to provide for an effective date - [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
 - (a) Planning Board and Planning Department recommend approval of a request for a PUD-Planned Unit Development Overlay District in a R7-Medium-Density Multiple-Family Residential District located East of 99th Street and South of Redick Avenue – [see attached](#).
7. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Walnut Grove Plaza to allow for an assisted living facility, located at 4966 and 5030 South 155th Street between the City of Omaha and Great Western Bank, providing site development standards; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
 - (a) Planning Board and Planning Department recommend approval of a Major Amendment to a Mixed Use District Development Agreement for Walnut Grove Plaza to allow for an assisted living facility, located at 4966 and 5030 South 155th Street – [see attached](#).

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 8 THROUGH 9 SHALL BE LAID OVER
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

RESOLUTIONS RE: PRELIMINARY PLAT, PLAT AND SUBDIVISION AGREEMENT

8. Res. that the preliminary plat entitled BUCKY’S CROSSROADS PLAZA ADDITION, located northeast of 78th and Dodge Streets, 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 BUCKY’S CROSSROADS PLAZA ADDITION, a minor plat inside the city limits, located northeast of 78th and Dodge Streets – Inside City – [see attached](#).

9. Res. that the plat entitled BUCKY’S CROSSROADS PLAZA ADDITION, located northeast of 78th and Dodge Streets, is hereby approved and accepted – Inside City – [see attached](#).
 - (a) Planning Board and Planning Department recommend approval of the Final Plat of BUCKY’S CROSSROADS PLAZA ADDITION, a minor plat inside the city limits, located northeast of 78th and Dodge Streets – Inside City – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 10 SHALL BE LAID OVER TWO WEEKS”**

10. Res. that, the Subdivision Agreement between the City of Omaha and Buck’s Inc., a Nebraska corporation, as recommended by the Mayor, providing for the Watershed Management fees and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Bucky’s Crossroads Plaza Addition and is located Northeast of 78th and Dodge Streets – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 11 SHALL BE LAID OVER TWO
WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMIT – GENERAL OFFICE

11. Res. that the Special Use Permit application submitted by Quadrelle Realty Services, LLC for a Special Use Permit to allow General office in a GI-General Industrial District, located at 12500 “I” 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 the request of Quadrelle Realty Services, LLC for a Special Use Permit to allow General office in a GI District located at 12500 “I” Street – [see attached](#).

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LIQUOR

12. CLASS “C” – YAP, Inc., dba “Varsity Sports Café and Roman Coin Pizza”, 14529 “F” Street. New application, Old location, New location. ANNEXED by Ordinance #39394 passed July 17, 2012. Presently holds a Class “C” Liquor License – over from 10-02-12 for publication and public hearing – had publication – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))
13. CLASS “I” – Taita, LLC, dba “Taita Restaurant”, 6109 Maple Street. New application, New location. Property posted: 10-03-12; Notification sent: 10-05-12 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

14. Restaurants, Inc., dba "Stokes Grill & Bar", 646 North 114th Street, requests permission for a Change of Location of their present Class "I" Liquor License to 13615 California Street. Property posted: 10-04-12; Notification sent: 10-05-12 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
15. Menco Corporation, dba "Convenient World", 2302 South 20th Street, requests permission to appoint Kay Bae manager of their present Class "C" Liquor License location – [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 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. 16 through 17 were held on October 2, 2012.)

CONSENT AGENDA – ORDINANCES

16. Ord. to approve a Development Agreement for property located Northeast of 99th Street and Military Road between the City of Omaha and Pathway of Light of Omaha, an Illinois corporation, providing for public improvements for which the developer is responsible; and to provide for an effective date – [see attached](#).
17. Ord. to approve the transfer of property interests, by a Special Warranty Deed and a Bill of Sale for trackage to the Union Pacific Railroad associated with the reconstruction of US-275 (West Center Road) under pass grade separation railroad crossing at or near 152nd Street a/k/a City Project No 88-23; and to authorize the Mayor to execute the attached Special Warranty Deed and Bill of Sale and, providing for the effective date hereof – [see attached](#).

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

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(The public hearings on Agenda Item Nos. 18 through 35 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

18. Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Dial Land Development Corp., a Nebraska Corporation, and Sanitary and Improvement District No. 480 of Douglas County, Nebraska, as recommended by the Mayor, providing for the refund of interceptor sewer fees, is hereby approved. The Subdivision is known as The Highlands and is located Northwest of 183rd and Pacific Streets – [see attached](#).
19. Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, for engineering, design and construction management on Project OPW 52375, being the Papillion Creek Wastewater Treatment Plant Digester Complex 900 Mixing System Improvements, is hereby approved; and that the Finance Department is authorized to pay a fee not to exceed \$96,882.00 for these professional services from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).
20. Res. that, as recommended by the Mayor, the Professional Services Agreement with Kirkham Michael for design services on Project OPW 52323, being the 12th Street Improvements – Dodge Street to Mike Fahey Boulevard, is hereby approved; and that the Finance Department is authorized to pay a fee not to exceed \$46,900.00 for these professional services from the Street & Highway Allocation Fund 12131, Design Engineering Organization 116132 – [see attached](#).
21. Res. that, as recommended by the Mayor, the Contributing Partner Agreement between the City of Omaha and the Water Environment Research Foundation for the Pilot Site Testing Initiative for High Performance Green Infrastructure – Targeted Collaborative Research Project, to be conducted at 2424 Deer Park Boulevard, is hereby approved; and that the Finance Department is authorized to pay the City's local share, in the amount of \$99,400, from the Stormwater Management Plan Program Fund 12143, Stormwater Management Plan Organization 128026, year 2012 expenditure – [see attached](#).

22. Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Tab Construction for Project HSIP-75-2(170), State Control No. 22461, and OPW 51734, being safety improvements to the intersection of 30th Avenue and McKinley Street, in the amount of \$373,071.80, with the City's local share in the amount of \$37,307.17 being paid from the 2010 Transportation Bond Fund, 2012 Issue Transportation Bonds Organization 117117, in accord with the approved program agreement with NDOR for the project; and that the City Council hereby authorizes the Mayor and City Clerk to sign the construction contract on behalf of the City of Omaha, and that the Mayor and City Clerk are also authorized to sign the attached NDOR documents – see attached.
23. Res. that, as recommended by the Mayor, the Construction Engineering Services Agreement between the City of Omaha and Nebraska Department of Roads (NDOR) for project management and construction engineering on Project MAPA-5003(11), State Control No. 22496, and OPW 52303, being Countdown Pedestrian Signal Heads, at various locations in the City of Omaha, at the sole cost of the City as previously agreed to, 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](#).
24. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Logan Contractors Supply, Inc. for the purchase of three portable rotary screw air compressors in the amount of \$42,702.00 to be utilized by the Street Maintenance Division; 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](#).
25. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a purchase order to Badger Body and Truck Equipment for the purchase of an aerial bucket lift to be utilized by the Traffic Maintenance Division in the amount of \$32,773.00; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Traffic Engineering Equipment Organization 116191, year 2012 expenditures – [see attached](#).

26. Res. that, as recommended by the Mayor, the proposed contracts with Elkhorn Lawn Care, Pond Pros, C&S Roofing, Inc., Dana Enterprises, Inc., Thorson Brothers Lawn Care, Blademasters, Alexander Lawns, Action Demolition, Josh Tedders Construction, Inc., Hardscapes Contractors LLC, BladeMasters Ground Maintenance, Inc., Choppers Lawn Service, DPS LLC, DIY Holding Company LLC, JC Construction, Nebraska's Best Lawn and Landscape, Goslin Contracting, Inc., Precision Enterprises, Inc., First Choice Builders Consulting LLC, Neon Green, JSW Contractors LLC, and Affordable Construction to furnish residential street snow plowing services within the City of Omaha for the 2012-2013 winter season, are hereby accepted; and, the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2012 expenditures – [see attached](#).
27. Res. that, as recommended by the Mayor, in consideration of the extenuating circumstances regarding the situation of Sarah Flores-Frederick, the City agrees to accept the documented net proceeds, defined as the sale price minus the balance of superior liens and reasonable closing costs, from the sale of property located at 5817 Northwest Drive, Omaha, NE as satisfaction of the Deed of Trust, Construction Security Agreement and Assignment of Rents and Promissory Note in the original amount of \$15,000.00. Further, the Mayor is hereby authorized to execute a Deed of Reconveyance releasing the City's lien upon receipt of acceptable documentation of the sale of the property, its purchase price, and payment of any net proceeds due to the City – [see attached](#).
28. Res. that the attached Grant Agreement, as recommended by the Mayor, to provide a Community Development Block Grant (CDBG) in the amount of \$29,600.00 for the rehabilitation and lead reduction work, when applicable, at the property owned and occupied by Mary J. and Cecilia A. Harding, located at 2402 North 33rd Avenue, is hereby approved. The contract is to be awarded to Goly Young Construction, Contractor. Funds in the amount of \$29,600.00 shall be paid from North Neighborhood Revitalization Strategy Area (NRSA) CDBG Single-Family Target Area Rehabilitation Program, Fund No. 12186, Organization No. 129114 – [see attached](#).
29. Res. that the attached Grant Agreement, as recommended by the Mayor, to provide a Community Development Block Grant (CDBG) in the amount of \$33,600.00 for the rehabilitation and lead reduction work, when applicable, at the property owned and occupied by Mollie K. Reynolds, located at 3518 Hamilton Street, is hereby approved. The contract is to be awarded to White's Construction, Contractor. Funds in the amount of \$33,600.00 shall be paid from North Neighborhood Revitalization Strategy Area (NRSA) CDBG Single-Family Target Area Rehabilitation Program, Fund No. 12186, Organization No. 129114 – [see attached](#).

30. Res. that, as recommended by the Mayor, the bid in the total amount of \$895,000.00 (includes Alternates Nos. 2 and 3 in the total amount of \$40,000.00), from Ray Martin, Inc. to furnish labor, materials, and all incidentals necessary to complete the repair of the two fountains at Heartland of America Park, 800 Douglas Street, as the lowest and 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 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bonds – [see attached](#).
31. Res. that, as a unique and noncompetitive service, approval is hereby given to pay the attached invoice which extends a maintenance service agreement with Zoll Corporation in the amount of \$24,715 as the only qualified company to support the Zoll RescueNet FireRMS computer software; and the Purchasing Agent is directed to make payments for the one-year extension of the maintenance service agreement for the 2012 Omaha Fire Department budget, Fund No. 11111, Organization 114515, Account No. 42411 – [see attached](#).
32. Res. that the reappointment by Mayor Jim Suttle of Karin M. Campbell as the museum curator representative of the Public Art Commission, to serve a three-year term commencing January 26, 2013, and expiring three years thereafter, be and hereby is confirmed and approved – [see attached](#).
33. Res. that the reappointment by Mayor Jim Suttle of Anne M. Meysenburg as the non-profit visual artist representative of the Public Art Commission, to serve a three-year term commencing January 26, 2013, and expiring three years thereafter, be and hereby is confirmed and approved – [see attached](#).
34. Res. that the City Council determines that the claim of Kevin Cave for compensation in the amount of thirty-three thousand five hundred seventeen dollars (\$33,517), attorney fees and costs should be and hereby is denied in its entirety – [see attached](#).

35. Res. that Frances Mendenhall and James Adams are hereby appointed to serve as at-large representatives and program producer representatives on the Board of Directors of the City of Omaha Cable Television Access Corporation, commencing upon filing of the Articles of Incorporation and expiring one calendar year thereafter – [see attached](#).

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

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ORDINANCES ON FINAL READING

36. Ord. to amend Chapter 44 of the Omaha Municipal Code, entitled "Electricity" to amend sections 44-10, 44-52, 44-53, and 44-62, and create section 44-65 to represent minor changes to allow a power limited contractor a permit for the installation of power-limited equipment; to repeal sections 44-10, 44-52, 44-62 as heretofore existing; to create section 44-65; and to provide the effective date thereof – over from 9/11/12 and continue the public hearing – [see attached](#).
((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))
- (a) Communications opposing the Ordinance to amend Chapter 44 of the Omaha Municipal Code, entitled "Electricity" to amend sections 44-10, 44-52, 44-53, and 44-62, and create section 44-65 to represent minor changes to allow a power limited contractor a permit fee for the installation of power-limited equipment – over from 9/11/12 – [see attached](#).
- (b) Communication from Warren Weaver, City Council Chief of Staff, re: the Ordinance to amend Chapter 44 of the Omaha Municipal Code, entitled "Electricity" to amend sections 44-10, 44-52, 44-53, and 44-62, and created section 44-65 to represent minor changes to allow a power limited contractor a permit for the installation of power-limited equipment – over from 9/11/12 – [see attached](#).

37. Ord. to amend Chapter 44 of the Omaha Municipal Code, entitled "Electricity" to amend section 44-173 to repeal section 44-175; and to provide the effective date thereof – over from 9/11/12 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))

RESOLUTION

38. Res. that, the attached 50th & Ames Avenue Wal-Mart Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 5018 Ames Avenue which contemplates demolishing the former Baker's Supermarket building and constructing a new 178,748 square foot full-service, supercenter Wal-Mart retail store inclusive of additional surface parking, and public infrastructure and improvements, recommending the City's participation through the allocation of Tax Increment Financing in an amount up to \$2,223,556.00 to offset costs of acquisition, site work, architectural and engineering fees, surveys and environmental and public improvements, but is subject to change as final costs come in, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – over from 9/25/12 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

ORDINANCE ON SECOND READING and Planning Board Attachment

39. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located at 2240 North Main Street including the adjacent Blondo Street right-of-way and Elk Hills Subdivision (SID 553) – [see attached](#). ((PUBLIC HEARING TODAY))
- (a) Planning Board and Planning Department recommend approval of the Annexation of Elk Hills Subdivision (SID 553), 2240 North Main Street and the adjacent Blondo Street right-of-way – [see attached](#).

ORDINANCES ON SECOND READING

40. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for constructing 96th Street from Adams Street to Park Drive, identified as City Project No. OPW 50412, 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](#). ((PUBLIC HEARING TODAY))

41. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1823 Lake Street, and legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2012 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Gwendolyn H. Craddock, 4912 Spaulding Street, Omaha, NE 68104, to acquire the property for the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) is approved; project costs will be paid from FY 2012 Community Development Block Grant, Fund 12186, Organization No. 129161, Project No. 3526, Task 18.2, Award 855, Account 42269; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

42. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1607 Locust Street and 1608-10 Maple Street, and legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2012 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Steve Cummings, 1607 Locust Street, Omaha, NE 68110, to acquire the property for the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) is approved; project costs will be paid from FY 2012 Community Development Block Grant, Fund 12186, Organization No. 129161, Project No. 3526, Task 18.2, Award 855, Account 42269; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

43. Ord. to approve the acceptance of and authorize the disbursement from the Hospital Preparedness Program Award, #1U90TP000533-01, in the amount of two hundred nine thousand and two hundred dollars (\$209,200.00) from the Nebraska Department of Health and Human Services, Division of Public Health, Office of Preparedness and Emergency Response, during the project period of July 1, 2012 to June 30, 2013, to establish a system coordinating all facets of patient health care and ensures resources, expertise, communications, and personnel are present to respond during any public health medical emergency mass effect event; to authorize the Mayor of the City of Omaha to sign and the City Clerk of the City of Omaha to attest any document related to the receipt of this award; and to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
44. Ord. (1) to approve (a) an Agreement between the City of Omaha and the Empowerment Network in the amount of \$65,000; (b) the City of Omaha and the Police Research and Policy Group in the amount of \$15,000; (2) to authorize funding for such agreements from the Omaha 360 Grant #11-VP-5002, Fund 12159, Organization 130736; to provide funding for violence prevention and intervention programs in Omaha; to authorize payment from such grant funding 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](#). ((PUBLIC HEARING TODAY))
45. Ord. to approve the acceptance of and authorize the disbursement from the Our Town grant award, #12-4292-7154, in the amount of one hundred thousand dollars (\$100,000.00) from the National Endowment for the Arts, during the project period of September 1, 2012 to August 31, 2013, to fund the Street of Dreams project in North Omaha's 24th and Lake Street District; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 46
THROUGH 53 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

46. Ord. to rezone the property located at 1130 South 30th Avenue from R7-Medium-Density Multiple-Family Residential District to R4-Single-Family Residential District (High Density).
- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1130 South 30th Avenue from R7 to R4 – [see attached](#).
47. Ord. to rezone the property located at 2808 South 40th Street from R4(35)-Single-Family Residential District (High Density) to R5-Urban Family Residential District.
- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2808 South 40th Street from R4(35) to R5 – [see attached](#).
48. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5500 L Street; and to provide for an effective date – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 5500 L Street – [see attached](#).
49. Ord. to amend the boundaries of the ACI-1 (PL) district of the Area of Civic Importance Overlay District, to incorporate into that district the properties located generally between I-480 and South 45th Street and between Leavenworth Street and Harney Street; and to provide for an effective date – [see attached](#).

50. Ord. to amend the boundaries of the ACI-2 (PL) district of the Area of Civic Importance Overlay District, to incorporate into that district the properties located generally between Saddle Creek Road and South 45th Street and between Leavenworth Street and Douglas Street; and to provide for an effective date – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of an Area of Civic Importance Overlay District, (ACI-1(PL) and ACI-2(PL)), generally located from I-480 to Saddle Creek Road and from Douglas to Leavenworth Streets – [see attached](#).
51. Ord. to rezone the property located at 11111 “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 the property located at 11111 “M” Street from GI to CC – [see attached](#).
52. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Whispering Ridge, to allow automotive repair services, located southeast of West Maple Road and HWS Cleveland Boulevard between the City of Omaha and M.J.A., LLC, providing site development standards; and to provide for an effective date – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of a Major Amendment to a Mixed Use District Development Agreement for Whispering Ridge, to allow automotive repair services, located southeast of West Maple Road and HWS Cleveland Boulevard – [see attached](#).

ORDINANCE ON FIRST READING and Planning Board Attachment

53. Ord. to amend the South 10th Street Neighborhood Conservation and Enhancement (NCE-C) Plan, for the properties located generally along South 10th Street from Pacific Street on the north, to I-80 on the south, and along Pierce Street from 10th Street on the west, to 5th Street on the east; to approve an amendment to the Urban Design Element of the Master Plan for the City of Omaha to incorporate the amended South 10th Street Neighborhood Conservation and Enhancement Plan into the Master Plan and to provide for an effective date – [see attached](#).
- (a) Planning Board and Planning Department recommend approval of an amendment to the South 10th Street Neighborhood Conservation and Enhancement District (NCE-C) Plan, for the properties generally located along South 10th Street from Pacific Street on the north, to I-80 on the south, and along Pierce Street from 10th Street on the west, to 5th Street on the east – [see attached](#).

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 54
THROUGH 71 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

54. Ord. approving an Interlocal Agreement between the City of Omaha and the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) 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 for the terms and conditions under which Omaha and MAPA will participate in a project to obtain regional digital map products; to authorize the Finance Department to pay cost share to MAPA not to exceed \$85,500.00 according to the disbursement terms contained within the Agreement; and to provide an effective date hereof – [see attached](#).

55. Ord. authorizing the Purchasing Agent to issue a purchase order to Polydyne, Inc. for the purchase of approximately 175,000 pounds of sludge dewatering polymer to be utilized by the Papillion Creek Wastewater Treatment Plant in the amount of \$288,750.00, involving 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 authorize the reimbursements to be paid from a specific account, and to provide an effective date hereof – [see attached](#).
56. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 4212 Grant Street, and legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2012 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Yolanda Cole, 4211 Erskine Street, Omaha, NE 68111, to acquire the property for the sum of Eighteen Thousand and 00/100 Dollars (\$18,000.00) is approved; project costs will be paid from FY 2012 Community Development Block Grant, Fund 12186, Organization No. 129161, Project No. 3526, Task 18.2, Award 855, Account 42269; and to provide the effective date hereof – [see attached](#).
57. Ord. to approve open orders, based upon lowest and best bid within specifications, in amounts totaling \$430,916.70 in the first year between the City of Omaha and various vendors, for the purchase of medical supplies used by the Omaha Fire Department, with the possibility of expending funds from more than one budget year, in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha 1956, as amended; to provide for payment to Bound Tree Medical, CSI Medical, Kentron Health Care Inc., Kreisers, Life-Assist, Midwest Medical, Moore Medical, Vidacare, Westwood Pharmacy, and Zoll Medical for open orders and price agreements; and to provide an effective date hereof – [see attached](#).
58. Ord. to accept the bid of Heiman Fire Equipment to provide Firefighter Turnout Gear for the Omaha Fire Department in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha 1956; the term of the agreement is for one year at a cost of \$1,541.99 per set with both parties having the option to mutually agree to extend the agreement for an additional two 12-month periods at no increase in cost; and to provide an effective date hereof – [see attached](#).

59. Ord. authorizing the Purchasing Agent to extend Purchase Order Number 1186215, as approved by City Council via Resolution #1118 adopted August 21, 2012, to Verizon Wireless, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, for wireless service for 175 mobile data computers for the Omaha Police Department; and to provide for payment in the amount of \$6,998.25 per month beginning January 1, 2013, having been appropriated beginning in Fiscal Year 2013, General Fund 11111, Organization 113213 Information Technology, Account 42411 Maintenance Contracts; and to provide for an effective date hereof – [see attached](#).
60. Ord. (1) to approve (a) an Agreement between the City of Omaha and Love's Jazz and Art Center in the amount of \$50,000; (b) the Bemis Center for Contemporary Arts in the amount of \$50,000; and (2) to authorize funding for such agreements from the City of Omaha Omaha Our Town grant, #12-4292-7154, awarded by the National Endowment for the Arts; to provide funding for creative placemaking activities in Omaha; to authorize payment from such grant funding 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](#).
61. Ord. (1) to approve (a) an agreement between the City of Omaha and the Women's Center for Advancement in the amount of \$39,956; (b) an agreement between the City of Omaha and Douglas County Board of Commissioners for the Douglas County Attorney's Office in the amount of \$62,842; and (2) to authorize funding for such agreements from the City of Omaha Douglas County Community Response Team Grant, award #11-VW-0707, approved by City Council on August 14, 2012, Ordinance No. 39419, Fund 12159, Organization 130777; to provide funding for a coordinated community response to domestic violence in Omaha; to authorize payment from such grant funding 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](#).
62. Ord. approving the acceptance of the Omaha Police Department FY2012 Metropolitan Drug Task Force Grant, with special conditions, Grant Number 12-DA-0307, from the State of Nebraska Commission on Law Enforcement and Criminal Justice, in the amount of \$175,000, with a match of \$58,333 provided by the Metro Drug Task Force, to provide funding to support the operations of the Metro Drug Task Force during the project period extending from October 1, 2012 to September 30, 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](#).

63. Ord. approving the acceptance of the Omaha Police Department Project Night Life Expansion Contract, Contract Number 402-13-40, from the U.S Department of Transportation, National Highway Traffic Safety Administration, State of Nebraska and the Nebraska Office of Highway Safety, in the amount of \$122,045, with no match, provided by grant sub-recipients, to provide funding for continued enhanced selective enforcement operations and to provide education and awareness to teen drivers and their parents in Omaha, during the project period extending from October 1, 2012 to September 30, 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](#).
64. Ord. to approve the acceptance of and authorize disbursement from the FY2012 PSN Program, award #2012-GP-BX-0013, from the U.S. Department of Justice, in the amount of one hundred fifty thousand dollars (\$150,000), with an \$8,000 sub-grantee match from the University of Nebraska at Omaha's Juvenile Justice Institute, during the project period extending from October 1, 2012 to September 30, 2014; to provide funding to reduce gun and gang violence in Omaha and neighboring communities; 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](#).
65. Ord. to approve the acceptance of an award from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2011 Edward Byrne Memorial Justice Assistant Grant Program, Award# 2011-DJ-BX-2287 in partnership with Douglas County in the amount of five hundred nine thousand four hundred and six dollars (\$509,406) for Law Enforcement Programs, Prevention and Education Programs, Corrections Programs and Planning, Evaluation and Technology Improvement during the period of October 1, 2010 to September 30, 2014; to provide the Council an opportunity for review and public comment for such application; to authorize the Mayor of the City of Omaha to sign and the City Clerk of the City of Omaha to attest a Memorandum of Understanding (MOU) between the City of Omaha and Douglas County; and upon award of such grant to authorize payment from such grant funding 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](#).

66. Ord. to approve the acceptance of and authorize disbursement from the FY2011 City of Omaha/Douglas County Juvenile Accountability Block Grant (JABG) Phase 14, award #11-JA-0602, from the Nebraska Crime Commission, in the amount of ninety two thousand six hundred thirty one dollars (\$92,631), with a \$10,293 sub-grantee match provided by the Douglas County Youth Center, during the project period extending from July 1, 2012 to June 30, 2013; to provide funding for the coordination of criminal justice information sharing, juvenile risk and needs assessment, as well as restorative justice and reentry programs for juveniles throughout Douglas County; 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](#).
67. Ord. to amend Sec. 23-177 of the Omaha Municipal Code by changing the salary for the employment classification known as City Treasurer from 26 AEC (\$78,943-\$96,343) to 23.1 MC (\$70,269-\$85,972); to repeal Sec. 23-177 as heretofore existing; and to provide the effective date hereof – [see attached](#).
68. Ord. to amend Omaha Municipal Code Sec. 30-81; to exclude from the definition of “salvage dealer,” a person who operates premises used to recycle concrete or reinforced concrete; to repeal Sec. 30-81 as heretofore existing; and to provide the effective date thereof – [see attached](#).
69. Ord. to amend Sections 31-145 and 31-147 of the Omaha Municipal Code, dealing with sewer use fees; to provide for sewer service charges for the period January 1, 2010 through December 31, 2014, subject to future amendment as may be needed; and to repeal Sections 31-145 and 31-147 of the Omaha Municipal Code as heretofore existing; and to provide for the effective date hereof – [see attached](#).
70. Ord. to amend Chapter 49 of the Omaha Municipal Code, entitled “Plumbing”; to amend sections 49-222 and 49-232 to modify qualification requirements for applicants for licenses for master plumbers and journeyman plumbers; to repeal Sections 49-222 and 49-232 as heretofore existing; and to provide the effective date thereof – [see attached](#).

71. Ord. authorizing and approving the establishment of a Master Lease Purchase Program for police cruiser acquisitions; authorizing and approving separate Lease Purchase agreements (collectively, the “Lease Agreements”) between the City of Omaha Public Facilities Corporation (The “Corporation”) and the City of Omaha, Nebraska (The “City”) to provide funds for the lease purchase of certain equipment, improvements and additions to the respective projects as described therein (collectively, The “Project”), copies of which lease agreements are attached hereto as Exhibit A and incorporated herein by this reference; authorizing and approving a Site Lease Agreement (The “Site Lease”) between the Corporation and the City for the leasing of a project site by the City to the Corporation, a copy of which Site Lease is attached hereto as Exhibit B and incorporated herein by this reference; authorizing and approving a Bill of Sale (The “Bill of Sale”) by the City to the Corporation for the sale of certain project equipment to the Corporation, a copy of which Bill of Sale is attached hereto as Exhibit C; approving separate Indentures of Trust (collectively, The “Indentures”) between the Corporation and First National Bank of Omaha, as Trustee, copies of which indentures are attached hereto as Exhibit D and incorporated herein by this reference; approving the terms and conditions of the Corporation’s Lease Revenue Bonds, Series 2012A and Series 2012B (The “Bonds”) as set forth in the indentures and the issuance and delivery thereof; approving the form, content and distribution of the preliminary official statement , a copy of which preliminary official statement is attached hereto as Exhibit E and incorporated herein by this reference; authorizing and approving the form and content of a Letter Agreement (The “Letter Agreement”) constituting an undertaking by the City to provide ongoing disclosure about the City for the benefit of the holders of the bonds, a copy of which Letter Agreement is attached hereto as Exhibit F and incorporated herein by this reference; authorizing the preparation and use of a Bond Purchase Agreement (The “Bond Purchase Agreement”) by and between the Corporation and D.A. Davidson Co., as Underwriter, a copy of which Bond Purchase Agreement is attached hereto as Exhibit G and incorporated herein by this reference; satisfying applicable federal income tax law requirements and approving the effective date hereof; and delegating authority to the City’s Finance Director to determine the final price, interest rates, principal amount and redemption provisions for the bonds – see attached.

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EXECUTIVE SESSION

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

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.