



**CITY OF OMAHA
CITY COUNCIL AGENDA
TUESDAY, OCTOBER 6, 2020**

**LEGISLATIVE CHAMBERS @ 2:00 P.M.
1819 Farnam Street, Omaha, NE 68183**

Agenda and materials are available online at:
<https://cityclerk.cityofomaha.org/city-council/agendas>

Watch the meeting live here: <https://citycouncil.cityofomaha.org/view-council-meetings>

CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Remarks by Councilmember Rich Pahls of District No. 5

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in the Daily Record, the Official Newspaper of the City of Omaha on October 2, 2020, notice of the Pre-Council and Regular City Council Meetings, October 6, 2020.

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

PRESENTATIONS AND PROCLAMATIONS

5. Presentations and Proclamations

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 RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

TAX INCREMENT FINANCING (TIF) PROJECT PLAN RESOLUTION

6. RES. 2020-0896 – Res. that, the Ten Square Townhomes Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 618-636 North 46th Street, which proposes to construct a single residential structure containing ten (10) for sale market rate townhome units, and authorizes the City's participation through the allocation of TIF in an amount up to \$835,500.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, site preparation, architectural and engineering fees, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
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LIQUOR

7. RES. 2020-0942 – Class “C” Liquor License Application – Kathmandu Bar, LLC, dba “Liquor Store”, 5402 North 90th Street, Suite 5450. (This is a new application for a new location). Notice was posted on the property on 09-22-2020; Notification was sent to property owners within 500 feet on 09-25-2020 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 8. RES. 2020-0943 – Class “C” Liquor License Application – Sanus Fieri, LLC, dba “Coolgreens”, 8990 West Center Road, Suite 170. (This is a new application for a new location). Notice was posted on the property on 09-22-2020; Notification was sent to property owners within 500 feet on 09-25-2020 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Communication in support – [see attached](#).
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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 hearing on Agenda Items 9 and 10 were held on September 29, 2020.)

CONSENT AGENDA – ORDINANCES

9. ORD. 42335 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Maple 37 Limited Partnership, to implement the HNHC Central Park Scattered Housing Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 3832 Saratoga Street, 3825 Browne Street, 3806 Camden Avenue, 3930 Camden Avenue, 4123 Camden Avenue, 5120 N. 41 Street, 5110 N. 40 Street, 5118 N. 40 Street, 4004 Grand Avenue, 4006 Grand Avenue and 3815 Fort Street, which proposes the construction of 11 new homes on vacant sites in north Omaha; the agreement authorizes the use of up to \$150,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading September 22, 2020; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#).
10. ORD. 42336 – An ordinance to add Section 10-271.5 entitled “Omaha Douglas Public Building Commission” to Chapter 10, Article IX of the Omaha Municipal Code; to provide for an exemption from the payment of fees for permits and inspections made by the city on property owned by the Omaha Douglas Public Building Commission – (First Reading September 22, 2020; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#).

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

(The public hearings on Agenda Items 11 through 17 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

11. RES. 2020-0944 – Liquor License Manager Applications to appoint Kristell Reynolds as manager to the following Sodexo America LLC locations: Kiewit Fitness & Student Center (Class IK) located at 2400 Cass Street; Harper Center (Class IK) located at 602 N 20th Street; and Ryan Center/Morrison Center (Class C) located at 701 Florence Boulevard – [see attached](#).
12. RES. 2020-0945 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson, Inc., in the amount of \$24,500.00, to provide professional services on the Omaha Traffic Maintenance Facility Improvements, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$24,500.00, from the Street and Highway Allocation Fund 12131, Traffic Planning and Design Organization 116186, year 2020 funding.) – [see attached](#).
13. RES. 2020-0946 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson, Inc., in the amount of \$85,582.00, to provide professional services on OPW 53899, being the Pierce Street Lift Station Service Relocation - 115 Hickory Street Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$85,582.00, from the Sewer Revenue Improvements Bond Fund 21124, CSO Control Implementation Organization 116918. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).

14. RES. 2020-0948 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,314.00 for the Lead-based Paint Hazard Control work to the property owned by Rafael Mora and Maria Del Rosario Mora located at 2305 S 24th St., Omaha, NE 68108, is hereby approved. The contract is to be awarded to Rife Construction Incorporated. (Funds shall be paid as follows: \$24,314.00 from Lead 2019 NELHD, Fund No. 12136, Org. No. 128104.) – [see attached](#).
15. RES. 2020-0949 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Nebraska Enterprise Fund, in the total amount of \$250,000.00 to provide operating support for the administration of the Micro and Small Business Recovery Program due to the COVID-19 crisis for the period from October 1, 2020 through December 31, 2021, is hereby approved. (Funds shall be paid from the FY 2019 Nebraska Enterprise Fund Business Support 2020, Fund No. 12162, Organization No. 130812.) – [see attached](#).
16. RES. 2020-0950 – Res. that, as recommended by the Mayor, the acceptance of and disbursement from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), FY 2020 Law Enforcement Mental Health and Wellness Act (LEMHWA), Award #2020-MH-WX-K006, in the amount of \$124,583.00, during the project period of September 1, 2020 to August 31, 2022 to provide funding for items authorized in the COPS Financial Clearance Memorandum, September 1, 2020 to August 31, 2022, and incorporated herein by this reference, and funding of such project, is hereby approved. (The Finance Director is authorized to provide payment of \$124,583.00 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), FY 2020 Law Enforcement Mental Health and Wellness Act (LEMHWA), Award #2020-MH-WX-K006; and in accordance with the contract terms.) – [see attached](#).
17. RES. 2020-0951 – Res. that, the First Amendment to the Interlocal Cooperation Act Agreement for the Omaha Beltline Trail Project to remove the Land Bank as a party, and the form, terms and provisions of the First Amendment to the Interlocal Cooperation Act Agreement for the Omaha Beltline Trail Project are hereby approved – [see attached](#).

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

ORDINANCES ON FINAL READING

18. ORD. 42334 – An ordinance approving a contract between the City of Omaha and NebraskaLand Recycling LLC, in the amount of \$2,282,800.00, for OPW 53624, being the Omaha Mixed Recyclables Processing 2021-2030 Package A Project, involving 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 NebraskaLand Recycling LLC will provide these services for a period of ten (10) years, beginning January 1, 2021 to December 31, 2030, with the option of two separate and additional five (5) year terms, at an annual estimated cost of \$2,282,800.00, per year to the City of Omaha, according to the terms and conditions contained within the Contract – (First Reading September 22, 2020; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#). **(VOTE TODAY)**
 - A. Communications in support – [see attached](#).
 - B. Communications in opposition – [see attached](#).
 - C. Documentation from the Public Works Department – [see attached](#).

- 19. ORD. 42337 – An ordinance to amend Chapter 12, Article III, entitled “Prevention of COVID-19,” Section 12-51 of the Omaha Municipal Code; to extend the sunset provision – (First Reading September 22, 2020; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#). **(VOTE TODAY)**
 - A. Communications in support – [see attached](#).
 - B. Communications in opposition – [see attached](#).
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ORDINANCES ON SECOND READING

- 20. ORD. 42339 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 51st and Madison Exposed Sewer Crossing Stabilization, project identified as OPW 53734; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading September 29, 2020; Second Reading and Public Hearing October 6, 2020; Third Reading October 20, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**

 - 21. ORD. 42340 – An ordinance (1) approving a bid from Cordico for the Omaha Police Department Officer Wellness Mobile Application in the amount of \$106,600.00 over a three (3) year period ending August 31, 2021; providing for the payments from appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; to authorize the Purchasing Agent to issue a purchase order. (The sole bid by Cordico was reviewed, and it was determined that it meets the specifications for the Officer Wellness Mobile Application; and, for year one (1) the purchase is budgeted from and will be funded by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), FY 2019 Law Enforcement Mental Health and Wellness Act (LEMHWA), Award #2019-MH-WX-K003, approved by City Council on December 10, 2019, in the amount of \$26,600.00, Ordinance No. 42072, Fund 12154, Organization 130735, for years two (2) and three (3) the purchase is budgeted from Omaha Police Foundation funding in the amount of \$80,000.00 total.) – (First Reading September 29, 2020; Second Reading and Public Hearing October 6, 2020; Third Reading October 20, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
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NON-ACTION ITEMS

(Items 22 through 34 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON OCTOBER 13, 2020)

FAIRMONT CREAMERY

22. ORD. 42338 – An ordinance to rezone property located northwest of 12th and Jones Streets from DS-Downtown Services to CBD-Central Business District (property is located within an ACI Overlay District) – (First Reading September 29, 2020; **Second Reading October 6, 2020**; Third Reading, Public Hearing and Vote October 20, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
23. RES. 2020-0926 – Res. that, the Preliminary Plat entitled Fairmont Creamery, a minor plat inside city limits, located northwest of 12th and Jones Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Paul Waggener – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 22)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
24. RES. 2020-0927 – Res. that, the Final Plat transmitted herewith entitled Fairmont Creamery, a minor plat inside city limits, located northwest of 12th and Jones Streets, is hereby approved, and concurrently a portion of the existing plat entitled The Original City of Omaha, and described on said replat, is hereby vacated. The applicant is Paul Waggener – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 22)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

TAX INCREMENT FINANCING (TIF) PROJECT PLAN RESOLUTIONS

25. RES. 2020-0919 – Res. that, the 1420 Rows Court Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 1420 Villa Rows Court, which proposes the construction of 16 new residential rental units on a vacant 1.3 acre site in south Omaha, and authorizes the City's participation through the allocation of TIF in an amount up to \$250,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to site work, architectural and engineering costs, various studies, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

26. RES. 2020-0947 – Res. that, the 39 Harney Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 3922, 3924 and 3926 Harney Street, which proposes to demolish the existing structures and to construct a 3,500 square foot restaurant which will include outdoor space and an adjoining 3,000 square foot structure containing of event space, and authorizes the City’s participation through the allocation of TIF in an amount up to \$678,835.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, architectural and engineering fees, site demolition and excavation, surveying, erosion control and SWPPP Maintenance, site utilities façade renovations (exceeding code), and other public improvements (landscaping within the ROW) as required, with the developer volunteering \$18,000.00 of the TIF proceeds toward the Midtown Public Improvement Fund for public infrastructure enhancements and improvements in the Midtown area, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE OCTOBER 27, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

RESOLUTION

27. RES. 2020-0920 – Res. that, the 24th & Q Street Southeast CRA located within Census Tract 28.00, Block Group 1, consisting of approximately 112.7 acres and generally bound by “Q” Street between 21st and 24th Streets, as well as “S” Street between 15th and 21st Streets on the north; “W” Street on the south; 21st Street between “Q” and “S” Streets, as well as 15th Street between “S” and “W” Streets on the east; and 24th Street on the west, is hereby declared to meet the definition of a substandard and blighted area in need of redevelopment in compliance with the requirements of Nebraska Community Development Law and is hereby designated as a community redevelopment area – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

SPECIAL USE PERMIT

28. RES. 2020-0925 – Res. that, the Special Use Permit application submitted by Teresa McClure for 7215 Omaha Holdings, LLC, for a Special Use Permit to allow Large group living in the CC-Community Commercial District, located at 7215 Ontario 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 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 – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

ORDINANCES ON FIRST READING

29. ORD. 42341 – An ordinance to amend Sections 55-68, 55-186, 55-206, 55-226, 55-246, 55-266, 55-541 through 55-580, 55-719, 55-731 through 55-760, 55-763, 55-787, 55-882 and 55-921 through 55-938 of the Omaha Municipal Code Chapter 55; to repeal as heretofore existing and delete Sections 55-68, 55-186, 55-206, 55-226, 55-246, 55-266, 55-541 through 55-580, 55-719, 55-731 through 55-760, 55-763, 55-787, 55-882 and 55-921 through 55-938 in their entirety, to implement provisions for Transit Oriented Development – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Transit Oriented Development Subdistrict Map – [see attached](#).
 - C. Communications in support – [see attached](#).
 - D. Communications in opposition – [see attached](#).
30. ORD. 42342 – An ordinance to approve an Amendment to the Urban Design Element of the Omaha Master Plan regarding Transit Oriented Development – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).
31. ORD. 42343 – An ordinance to approve an Amendment to the Land Use Element of the Omaha Master Plan regarding Transit Oriented Development – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).
32. ORD. 42344 – An ordinance to approve an Amendment to the Transportation Element of the Omaha Master Plan regarding Transit Oriented Development – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
33. ORD. 42345 – An ordinance pursuant to Home Rule Charter Section 5.17 involving the payment of moneys from appropriations of more than one fiscal year, to enter into an Interlocal Cooperation Agreement between the City of Omaha and the Village of Sterling, controlling the distribution of keno lottery proceeds; to provide that the Village of Sterling will receive 8.75% of the gross proceeds, the City of Omaha will receive 2% of the gross proceeds for state taxes and 1% of the gross proceeds to defray City administrative costs, and the remaining proceeds shall be retained by the City of Omaha; and to approve the Agreement from the date of execution through May 14, 2021 – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).

34. ORD. 42346 – An ordinance authorizing and directing an issue of general obligation and refunding bonds of the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$152,500,000.00 to be termed for identification purposes "Various Purpose and Refunding Bonds, Tax-Exempt Series 2020A" and "General Obligation Refunding Bonds, Taxable Series 2020B," respectively; prescribing the form of said bonds; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City of Omaha and certain sanitary and improvement districts annexed by the City of Omaha, Nebraska; directing the Finance Department to give notices of such defeasance and redemption; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, a Paying Agent and Registrar; approving the selections of an underwriter and an escrow verification agent; directing that said bonds shall initially be issued and registered in book-entry form; providing for continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said bonds – (**First Reading October 6, 2020**; Second Reading and Public Hearing October 20, 2020; Third Reading October 27, 2020) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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 Street, Suite 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 Sherri Brown at (402) 444-5554 if arrangements need to be made.