

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 5, 2001
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for February 12, 2001.
- **2. Director's Minutes for February 12, 2001.
- **3. Pre-Council Meeting Minutes - RE: Infrastructure Financing Study - February 5, 2001.
- 4. Director's Minutes for February 5, 2001.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. Public Building Commission Meeting (Camp/Seng)
- *2. DEC Meeting (Fortenberry)
- *3. Board of Health Meeting (Johnson)
- *4. Multicultural Advisory Committee Meeting (McRoy)
- **5. Board Of Health - Budget Workshop (Johnson)
- **6. Star City Holiday Festival Board Meeting (McRoy)
- **7. PRT Meeting (Shoecraft)
- 8. Downtown Entryways Briefing (Fortenberry)
- 9. Internal Liquor Committee (Johnson/McRoy/Shoecraft)
- 10. Joint Budget Committee (McRoy/Seng) -**NO MARCH MEETING**
- 11. Downtown Lincoln Bid Association Board of Directors Meeting (Seng)
- 12. Mayor's Downtown Action Team Meeting (Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- *1. Memo from Jennifer Brinkman - RE: Boards and Commissions Upcoming Appointments (See Memo).
- 2. Letter from Leon Vinci, Health Director - RE: The City-County Childcare Advisory Committee (CCAC) is in the process of recruiting new members and would greatly appreciate nominations from the Mayor's Office, City Council, or the County Board for new CCAC appointments (See letter).

IV. MEETINGS/INVITATIONS

1. Roger P. Lempke, Brigadier General, The Adjutant General invites you to “Feel the Thunder” during Airfest 2001 featuring the United States Air Force Thunderbirds. The air show is scheduled for Saturday and Sunday, April 28th & 29th. In order to allow adequate time for them to mail your parking pass and identification, please respond no later than April 16th - (471-7296)(See Letter of Invitation).
2. The 2001 Mayor’s Interfaith Prayer Breakfast on Thursday, May 3rd at the Cornhusker Hotel [Doors will be opened at 7:00 a.m.] - This year’s theme is “Voluntarism As A Form Of Prayer” in commemoration of the International Year of Voluntarism - RSVP by April 15th - 474-3017 (See Invitation).
3. Creating A Prairiefire — Join us for a seminar focusing on Policy - Advocacy, Grassroots, and the Media - In Kearney, Nebraska - on Wednesday, April 4, 2001 from 10:00 a.m. to 3:00 p.m. - In Lincoln, Nebraska on Thursday, April 5, 2001 from 10:00 a.m. to 3:00 p.m. - Registration is \$22.00 (Includes lunch and materials)(See Invitation).
4. Central Dance Theater - Nebraska’s newest professional dance company invites you to an evening with a true “Broadway Baby” Gemze de Lappe - a noted former dancer, choreographer and assistant to Agnes DeMille - Join them on Tuesday, March 13, 2001 at the Lied Center for Performing Arts - Johnny Carson Theatre - 6:00 p.m. to 7:30 p.m. Cocktails & Hor’d devours - Performance Following - (See Invitation).

V. COUNCIL MEMBERS

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS

- *1. Further Discussion on City Council Budget.

VIII. ADJOURNMENT

***HELD OVER FROM FEBRUARY 19, 2001.**

****HELD OVER FROM FEBRUARY 26, 2001.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 5TH, 2001
CONFERENCE ROOM 113

Council Members Present: Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Jonathan Cook, Cindy Johnson, Annette McRoy, Coleen Seng; **ABSENT:** Jon Camp.

Others Present: Ann Harrell, Jennifer Brinkman, Mayor's Office; Dana Roper, City Attorney; Don Herz, Finance Director; Darrell Podany, Aide to Council Members Camp and Johnson; Karen Shinn, Aide to Council Member Fortenberry; Joan Ray, Council Secretary; Chris Hain, *Journal Star* representative.

Prior to addressing Agenda items, Mr. Shoecraft requested Mr. Don Herz, Finance Director, to make a brief presentation to the Council on the City's contract with SMG.

Mr. Herz stated that this deals with the contract the City has with SMG. He noted, there is a \$150,000,000 project going on in Council Bluffs, Iowa. The contract that was signed with SMG, who manages Pershing Auditorium, has a provision that describes the contractual conditions, one of which excluded SMG from managing any facility within a 75 mile radius of Lincoln. This specifically included Council Bluffs, but was primarily done with thoughts of the new facilities in Omaha in mind. Mr. Herz explained that we didn't want them to manage the Omaha *and* the Lincoln facilities, because we thought that would not be to our advantage.

Subsequent to the signing of that contract, SMG was approached by the Iowa West Foundation to submit a proposal to manage the facility in Council Bluffs, Iowa. This is a \$150,000,000 project which includes a \$75,000,000 facility - an arena/field-house/all convention facility.

Since they've been asked to submit a proposal, they came to Mr. Herz, as the contract administrator, and to the Pershing Advisory Committee asking if the contract could be amended. Mr. Herz stated that we listened to them and last week they appeared before the Pershing Advisory Committee and sold us on the fact that this would be an advantage to Lincoln as opposed to a disadvantage in that they would be able to bring shows to *two* facilities that they might not otherwise be able to attract with just one facility available. The facility in Council Bluffs will be approximately the same size as Pershing, with the same number of seats. The Pershing Board voted unanimously to approve the change.

Mr. Herz indicated that he just wanted to advise Council of the change since we had just signed the contract a few months ago and we were not expecting this at that time. He thought that this change would be to the City's advantage.

Mr. Fortenberry asked that Mr. Herz explain why he thought it was to the City's advantage. Was it, as Mr. Fortenberry assumed, because of some kind of collaboration on groups' touring? He asked if the 75 mile radius was the standard for the distance people would travel for entertainment. If SMG does want this in the re-negotiations on our part, Mr. Fortenberry had concerns regarding monetary impact.

Mr. Herz stated that there would be no anticipation of them changing their fee. He noted that the facility in Council Bluffs would not be coming on line for about two years, so...at the time that they actually start management at the facility, we will have a couple years of history to see how they're performing here. We always have a clause in the contract that we can get out of the contract with a sixty-day notice. They felt they needed to come to us well before the two years to see what we thought about this type of arrangement.

Mr. Shoecraft asked what Lincoln's safeguard would be from having SMG work harder for Council Bluffs than for us. Mr. Herz answered that the safeguard is that if we think that's happening, they run the risk of losing the contract with the City. They have never lost a contract in their history, so they have a fairly good track record of trying to make their clients happy. Mr. Herz felt, as they presented it to the him and to the Pershing Board that he and the Board both feel this will be a benefit to the City. It would not be a significant increase, but SMG would have a few shows that they would be able to bring here that they otherwise might not have been able to attract without the double-booking opportunity.

Ms. Johnson noted that as long as the facility is not bigger than our's, which might hurt us, it should be okay. Mr. Herz agreed stating that that had been a primary concern with SMG managing a facility up in Omaha. The way this is worded is that they can only submit a bid for that specific building in Council Bluffs. If they were wanting to go into another facility within that 75 mile radius, they would have to come back to us.

Mr. Fortenberry asked if there were other areas that Mr. Herz wanted to negotiate? Mr. Herz stated that there was one contractual provision that he was trying to get clarified and would try to get that taken care of at the signing of the new agreement.

Mr. Shoecraft asked if this would have to come before Council for approval. Mr. Herz indicated that it did not. The contract Council approved gives the Finance Director discretion to make these kinds of changes; but he wanted to bring it to Council's attention since it is a fairly significant change being made so shortly after the contract signing.

Mr. Shoecraft asked if Mr. Herz felt comfortable about the change. Mr. Shoecraft noted that he still felt that the City should sell Pershing Auditorium outright. Mr. Herz noted that there was a study going on now and wanted to see what would come from that.

Mr. Shoecraft noted that Council could monitor the performance of the group stating that we would have to react immediately if there appeared to be a drop off [in revenues]. Mr. Herz noted that the contract with SMG [inaudible] advises them to decrease that shortfall. Most of the acts for this year were in place before SMG was involved.

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for February 12, 2001.
- **2. Director's Minutes for February 12, 2001.
- **3. Pre-Council Meeting Minutes - RE: Infrastructure Financing Study - February 5, 2001.
- 4. Director's Minutes for February 5, 2001.

*Held over from February 19, 2001

**Held over from February 26, 2001

Mr. Shoecraft, Council Chair, requested a motion to approve the above-listed minutes. Cindy Johnson moved approval of the minutes as presented. The motion was seconded by Coleen Seng and carried by the following vote: AYES: Jonathan Cook, Annette McRoy, Cindy Johnson, Jerry Shoecraft, Jeff Fortenberry, Coleen Seng; NAYS: None; ABSENT: Jon Camp.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that the Old Police Building's first floor is now completely leased. Starting March 1st the State Treasurer's Office will be in there.

Building people are starting to work on the elevators in the Hall of Justice Building. These were the same elevators from the original building that had not been replaced because they thought they should wait until the building was opened and all the offices were moved in before replacing them.

The Building Commission established a seven person security committee for the Hall of Justice to see if they can all agree on anything. They have a south door on which they were upgrading the keypad.

Ms. Seng reported that she had learned, when the Planning Commissioners come in to the Council Chambers, they don't have anyplace to put their coats, so they requested something for that use. PBC members gave Don Killeen the authority to try to hunt up some hall trees wherever he could find them...for the Planning Commissioners. Then we thought about the other groups that hold meetings in the Chambers, and it was decided that it was really something that needed to be done...for everyone.

Ms. Seng reported that during the height of discussion on parking, we appointed a committee to meet with Mr. Abel. The committee (made up of Larry Hudkins, Don Killeen, Mayor Wesley, herself and a few other City Staff) all gathered with Jim Abel and two or three of his staff. She indicated that it had been quite a good meeting and everyone went back to their own areas to do a little refiguring on finances and spaces. We did a lot of talking about property in the next two blocks straight east of the County-City Building. We recognized that this is all in the Capitol Environs...so, to be blunt about it...to make it financially feasible for both NEBCO and the City/County to cooperate we probably need to have a higher building than we would be allowed to have under the Capitol Environs guidelines. So, everyone is working on that. She noted that she had not heard anything since the meeting.

*2. DEC (Fortenberry) Mr. Fortenberry explained that the meeting had to be rescheduled which resulted in a conflict with his own schedule, but he did speak with Ms. Shelley Sahling, Policy Analysis Director & Assistant Counsel for LES. Mr. Fortenberry reported that one of the things that he had requested now that the two main projects -this building and the State Office Building- are done, was that the DEC re-think, or take a look at the next mission to be undertaken. Ms. Sahling made some comments indicating that they had gone over that a little bit in regards to the proposed entertainment complex, which was a possibility of another project. Looking at future goals was something that Mr. Fortenberry had introduced for consideration at the last meeting.

Mr. Cook asked why they would be involved with the entertainment complex? Mr. Fortenberry stated that it would be, basically, to look at the possibility of setting up a generation plant that would be a part of the economic development package.

*3. BOARD OF HEALTH (Johnson) Ms. Johnson stated that they had met. The Abstinence Coalition met and shared some things that they could bring to the table for the Board of Health in some of their abstinence education. Mr. Shoecraft asked if the Board was receptive to that presentation? Ms. Johnson indicated that the Board had been very receptive.

Mr. Johnson continued, noting that most of the discussion had been on two issues - one being Animal Control. She stated the Committee which the Health Board had requested to look into those issues was not in agreement with Staff, or with Law Department's view. The Law Department is pretty much finished with its work on the issue and will take it back to that committee and to the Board; but, Ms. Johnson noted, to be honest, she doubted that that would do any good.

She thought maybe it was just time to have Law Department bring it to Council and have Council act on it. All of the people on the Committee could then come to Council with their concerns and the discussion could be at the Council level. That's where that issue stands at the moment. Ms. Seng urged Ms. Johnson to make sure this is handled before she leaves [the Council in May]. Ms. Johnson noted that she had suggested that they wait. [Laughter] She was not sure when it would be coming forward. She said that it was with the Law Department right now and she had talked with Ms. Connor Reuter who stated that Law is pretty much finished with it now. Mr. Roper agreed with that assessment. Mr. Johnson thought that it should be coming forward soon.

Ms. Johnson reported that there had also been an evaluation of the Health Director in Executive Session. And that was the extent of the meeting.

*4. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported that they would be doing some specific targeting for the Comp Plan Study. There will be one meeting at Park School on the 8th of March at 7:00 p.m. to target the Hispanic populations. On March 13th there will be another one from [inaudible] Community Center. This will be an opportunity for the Committee to get more input in and from the minority communities. There will be two more meetings at the Cornhusker and around other parts of town. They've targeted and gotten interpreters for all the communities.

**5. BOARD OF HEALTH - BUDGET WORKSHOP (Johnson) Ms. Johnson did not attend.

**6. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) Mr. Shoecraft asked if Ms. Sloane Signal hadn't taken over the parade project? Ms. McRoy stated that it will be Ms. Signal's responsibility in her new position as Events Coordinator for the UpDowntowners and the DLA. Her first major task will be taking over the parade organization. The Board will still meet, but Ms. Signal will have the Volunteer Director's position. There will still be Board meetings on other work, but Sloane will be the permanent staff person.

**7. PRT (Shoecraft) Mr. Shoecraft stated that there was nothing to report from the PRT. He noted that they were still dealing with the Quality of Life Ordinance for Commercial Districts, indicating that it's ready to go, but not quite ready to be implemented. Ms. Johnson asked if the PRT was doing anything on the Residential Improvement Districts? Ms. Harrell noted that they were not - not through PRT.

8. DOWNTOWN ENTRYWAYS BRIEFING (Fortenberry) Mr. Fortenberry noted that he had not been able to go, but he had talked with Mr. Dallas McGee, and basically, the bottom line is the east side of 9th Street along the Journal Star building....he was not sure how far south it would go...but, basically, tree plantings, light design, which is consistent with the Journal Star's other lighting, by this summer.

Mr. Fortenberry continued, noting that then, as the Haymarket Garage project is developed, that template will be used on that block. Hopefully, then the other pieces can begin to fill in as well. The project, he noted, is moving along.

The issue of discussion right now is regarding some contention about how wide that sidewalk ought to be. There is concern, of course, for the accommodation of the football crowd. The recommendation now is 12 feet, but the property owner would prefer 8 feet. Maybe we can make it 10, or some compromise figure; but that is one area still under consideration.

Ms. McRoy mentioned that in the Business Section of the Sunday paper, the Lincoln Board of Realtors has addressed the beautification issues. They did it through advertisements and this week it was the I-80 entryway design issues. Mr. Fortenberry stated that when we talk about the "entryway" we're talking about the whole gambit of things. That portion of the I-80 entryway is the only one being enforced now with a regulatory mechanism, in the form of design guidelines. So, that's the one that is going to the Planning Commission and the one on which various groups are commenting. These others are part of an on-going project that Urban Development Department had and are using T.I.F. monies on, and are working with the property owners as well to just get some beautification effort right there, locally. Mr. Fortenberry stated that is why he doesn't get too entangled in the more controversial elements - with the ones that are just the basic common sense upgrades to the community.

Ms. Seng noted that another issue being addressed by the Board of Realtors is the flood plain. Mr. Shoecraft noted that the Board of Realtors would like more discussion and dialog on several issues, including Entryway Beautification, Impact Fee Study and the Flood Plain issues.

Discussion continued, with Mr. Fortenberry noting that if a city gets a planning vision down on paper, you can start. Instead of having to just write a \$1,000,000 check, you can integrate the development in the normal processes and it will get done, lot by lot, project by project, over time; but still be co-ordinated, and something nice for the community.

The dual left turn on to "P" Street was mentioned in the discussion as well. Mr. Fortenberry noted that he was happy to be looking at pedestrian movement in

that area, too. A close look at 9th Street brought broader consideration of the “two downtowns”... the Marketplace and the Haymarket. The artificial separation by 9th Street, because of its size...is that an impediment that we want to deal with as part of the beautification initial planning? The recommendations of a node at that location presented by the study group would lessen the intimidation factor of crossing at that location, but Public Works has a problem with that recommendation because of traffic flow there.

Mr. Fortenberry thought if we could “give” a little in terms of traffic flow, the impact might be so minimal as to be unnoticeable; and we would gain a lot in terms of pedestrian movement, which, with baseball coming and the Embassy Suites across the street, the need for better pedestrian movement across that street is a paramount concern. He noted that beautification is critical to that location as well. He stated that if it doesn’t look good, it will be intimidating. Right now, he noted, it’s a mess and pedestrian movement will consequently be curtailed.

Mr. Cook felt there would be more traffic taking that turn on West “O” when the baseball stadium is built. That will be the primary access. If traffic comes in off of I-80, they’ll see the stadium, but would have to go around to get to it.

Mr. Fortenberry noted that this focus project is forcing a larger planning discussion, which is a benefit to the project. Ms. Harrell commented, that on that general subject, Administration would be having some discussions with the Haymarket and the Downtown Community about traffic patterns and pedestrian traffic patterns in the Haymarket generally. Because as we get closer to opening the baseball stadium and the design of 9th Street, and the new garage facilities and the new over-pass walk way opening, we need to think about where chief pedestrian movements are going to be and where the vehicular traffic is likely to be and where the two will conflict, as well as what it will all mean for on-street parking. All of these things need to be discussed.

Discussion on details of the design and the project was continued briefly.

9. INTERNAL LIQUOR COMMITTEE (Johnson/McRoy/Shoecraft) Ms. Johnson reported that they had been looking at several things, but there was a presentation of data which has been compiled over a three year period [on infractions and violations by license holders]. The data hasn’t been presented to the Police Department, because the ILC had hoped that using the information through the Responsible Hospitality Council, they could get some of the problem licenses to voluntarily make internal changes needed to meet compliance; but we’re still having problems with some who aren’t paying attention to it. So the decision was made that they would turn the data over to the police to use for targeting areas for enforcement. The licensees who are not using the information to benefit themselves need to have

enforcement brought to bear. Others who have used the information to help correct problems will not be affected. That report will be presented every **week month** and we will start to identify some of the needed enforcement areas.

Zapatas is giving the City some real problems. They continually create a headache for the police department. ILC is trying to follow up on that with the State Liquor Commission, so we're monitoring that situation closely. Ms. Johnson stated that the Internal Liquor Committee did not want to step in between the Police Department and the State Liquor Commission as it might end up hurting what the police department is trying to do to straighten the situation out. So, we're waiting to see what will happen at the State Liquor Commission.

We talked about zoning issues. They're not anywhere yet where it can be brought to the Council, but we are meeting and want everybody to look at opportunities for us.

Mr. Shoecraft asked about who would be taking over Ms. Johnson's place on the Committee? He asked if Ms. McRoy would be interested. He noted that he would stay on the Committee, but did not want to act as Chair. Ms. Johnson noted that Mr. Pedersen had indicated that the Committee needs to make a decision on that and look at it next month and make a decision. [This issue was discussed briefly with no determination being made] Mr. Roper indicated that the Internal Liquor Committee was a creation of the Council and the rules and guidelines could be shaped as the Council chose.

A brief discussion on all Council Committee assignments ensued. It was determined that the 2nd week in April, immediately following the primary election, an in-depth discussion would be held at the Council's "Noon" meeting to explore possibilities in the re-distribution of the Council's Committee Assignments, brought about by the departure of the out-going Council Members.

10. JOINT BUDGET COMMITTEE (McRoy/Seng)-NO MARCH MEETING

11. DOWNTOWN LINCOLN B.I.D. ASSOCIATION BOARD OF DIRECTORS(Seng) Ms. Seng reported that Sloane Signal was in attendance and that everyone is pleased that she is here. Ms. Seng reported that Charlie Meyer was there to discuss Sign Districts, stating that this district in the Haymarket is the only official sign district in the City. She noted that they're looking at doing a Haymarket/Park/Stadium Sign District which would have three sub-districts: One for the Stadium, one for the the pedestrian walk-way and one for the whole area. So, they're working with Planning Department on that issue. This proposal will go to Urban

Design and the City Council [inaudible]. She noted that they're still planning for the first baseball game to be held on June 1st.

She stated that there was also a lot of discussion on Antelope Valley at the meeting. There was a group from the University and the DLA that went to the State Legislature on two bills regarding Antelope Valley funding. One was the governor's bill, and there was another one as well. Ms. Seng explained that they felt very good about the governor's bill.

Ms. Seng reported that the Board also discussed the entertainment center. The developers met recently with some of the small business owners in the downtown area. Another issue on the Antelope Valley is the reorganization of the Committee. A need had been seen for working from 17th Street east from Downtown, which will all tie in to Antelope Valley.

The sidewalk sweepers were also discussed at the Board meeting.

12. MAYOR'S DOWNTOWN ACTION TEAM (Seng) - Ms. Seng reported that this group did not meet...the meeting was cancelled.

OTHER MEETINGS REPORTS: None

III. APPOINTMENTS/REAPPOINTMENTS - Noted Without Comment

IV. MEETINGS/INVITATIONS - Noted Without Comment

V. COUNCIL MEMBERS

JONATHAN COOK - No Further Comments

ANNETTE McROY - No Further Comments

CINDY JOHNSON - No Further Comments

JERRY SHOECRAFT - No Further Comments

JEFF FORTENBERRY - No Further Comments

COLEEN SENG - No Further Comments

JON CAMP - Absent

ANN HARRELL - No Further Comments

JENNIFER BRINKMAN - Ms. Brinkman gave a Legislative update to Council on Legislative Bills currently before the Unicameral. The bills discussed are listed in the handout material Council received

DANA ROPER - No Further Comments

VI. REQUESTS OF COUNCIL FROM MAYOR - None

VII. MISCELLANEOUS -

1. Discussion on City Council Budget - Mr. Shoecraft merely noted that in order to meet the Mayor's Requested 96% budget figure, the Council, after Staff had honed the line item budget to the bone, would have to take a \$477.00 reduction in each Council Member's Discretionary Fund. This would reduce each Member's Discretionary Fund from \$6,000.00 to \$5,523.00 per year. There was no further discussion on the issue.

VIII. MEETING ENDED - Approximately 1:10 p.m.

cm030501/jvr