

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, APRIL 2, 2001
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for March 19, 2001.
- *2. Pre-Council Meeting Minutes - RE: Ameritas Contract Amendment - March 19, 2001.
- 3. Pre-Council Meeting Minutes of Joint City Council and LES Staff - RE: Supplemental Budget Changes Authorizing De-Commissioning Changes - March 12, 2001.
- 4. Director's Minutes for March 5, 2001.
- 5. Pre-Council Meeting Minutes - RE: Southeast Lincoln/Hwy 2 Subarea Plan - March 19, 2001.

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

- *1. Public Building Commission (Camp/Seng)
- *2. Board Of Health (Johnson)
- *3. Star City Holiday Festival Board Meeting (McRoy)
- 4. Wilderness Park Committee Meeting (Fortenberry) - **CANCELLED - WILL TRY TO HAVE THE NEXT MEETING ON MAY 24TH**
- 5. Internal Liquor Committee (Johnson/McRoy/Shoecraft)
- 6. Downtown Lincoln Bid Association Meeting (Seng)
- 7. PRT Meeting (Shoecraft)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- 1. Memo from Jennifer Brinkman - RE: Boards and Commissions Upcoming Appointments (See material).

IV. MEETINGS/INVITATIONS

1. Updowntowners Membership Meeting - On Wednesday, April 11, 2001 from 12:00 p.m. to 1:30 p.m. - At Fire Station #1, 1801 "Q" Street, 2nd Floor - By Request, Fire Chief Mike Spadt will give us a tour and update us on the Lincoln Fire & Rescue Ambulance Transport Issue - Lunch is \$8.00 (No-Shows will be billed) RSVP to 434-6507 by April 6th (See Invitation).
2. Please join us for the Grand Opening of the Nebraska Center for Excellence in Electronics! - On Monday, April 16th at 5:30 p.m. at Technology Park, 4740 Discovery Drive - Activities will include our official ribbon cutting ceremony, refreshments, and tours of the beautiful new facility (See Invitation).
3. Lincoln Partnership for Economic Development will holds its 4th Annual Workforce Development Symposium - featuring nationally renowned author, historian, economist and demographer Neil Howe - On Tuesday, April 17, 2001 - The breakfast begins at 7:30 a.m. and will conclude around Noon at The Cornhusker Hotel - RSVP to Tera Pugh at 436-2355 by Tuesday, April 10th (See Letter of Invitation).

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS - NONE

VIII. ADJOURNMENT

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

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, APRIL 2, 2001
CONFERENCE ROOM 113

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

Others Present: Ann Harrell, Jennifer Brinkman, Mayor's Office; Dana Roper, City Attorney; 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.

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*Carried Over from 03-26-01

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

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

- *1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that one of the things discussed was the use of space heaters. There are 71 space heaters in use in this building and 45 in the Hall of Justice. She reminded the Council of the State Labor Department's fire which was started by a space heater that had over-heated. She noted that the PBC is really struggling with this. A memo is all prepared to be sent out saying "no more space heaters"; but at the same time, people are having to wear coats and are shivering in their offices. The Finance Department has 15 heaters and the City Attorney's office has 15.

The County Attorney's office had a huge number of heaters.

Mr. Cook asked if the heating system was not designed properly or if the temperature settings are set too low? He asked if this problem was normal in a building like this?

Ms. Seng commented that it must be because we can all think of other buildings we've been in that have had this problem. Another piece is that the area in 5-City TV overheats with all the equipment in there.

Mr. Camp stated that Don Killeen would check and see what the problems might be and what can be done. Mr. Cook asked how individualized the controls were from area to area in the buildings. Mr. Camp, in response to the 5-City TV problem, stated that funds had been appropriated that would help in that regard because there was an equipment outage last year and more could be damaged. So there will be special air conditioning help on that sensitive video equipment. Mr. Cook stated that there isn't any kind of zoning where there are duct work dampers or ... Ms. Seng stated that they have the design people in all the time -those who designed this whole system. But it just doesn't ever quite [inaudible]. It's very frustrating.

Ms. Seng reported that the old Police Building's additional space was leased out to the State Treasurer's Office. She stated that all the available room is being used now in that building.

Ms. Seng reported that the County would be moving the County Election Office to 46th & "R" Streets. She thought there was something on the Council's Agenda about changing the zoning there. She had asked if they didn't have to go before the public with that, and noted that PBC was following up on that question. There was also some talking in Executive Session about all of the parking and then we moved on to space analysis. It was finally decided that perhaps we should keep the election commissioners building across the street as a staging area as we move people back and forth.

Ms. Seng continued, noting that Mr. Bob Ripley and others had presented information about the Capitol Environs and that legislative bill. We have a little conflict there because we don't want to be boxed in as tight as they are wishing we would be with that legislation. Mr. Camp stated that right now the County-City Building is not in the Capitol Environs area. They want to add that and extend farther west to 6th Street [Mr. Camp made remarks concerning the right-of-way surrounding that expansion area, but his remarks were nearly inaudible, and consequently did not allow for accurate recording in these minutes.] He explained that the Capitol Environs guidelines would limit the height options on structures being built in that expanded area, noting however that the height restriction is not `so many feet' above the ground, but rather a sight level from the cornice of the Capitol. Mr. Camp agreed with Ms. Seng in that the City did not want to go to such restrictions in parking facility options.

Mr. Cook asked why the Capitol Environs group wanted to extend the boundary west, given that these [County-City Complex] buildings are here now....and are not particularly attractive and are fairly large...what would be the concern of buildings built on the other side of these? Ms. Seng, chiding gently, stated that they didn't say these buildings were not

attractive. Mr. Cook, duly chagrined, responded with a quiet “Oh”.

More seriously, Mr. Camp noted that the County-City complex is in compliance now [with the Environ standards]. They proposed a ten year waiver. Apparently the Hall of Justice was designed to add another floor, which would be above the [Capitol Environs] height limits. They suggested a ten year period, but we were not sure we wanted to agree to that. If it were necessary to ever add on to that building, we didn’t want to bind future Public Building Commissions to that limit. Mr. Camp explained that the main thing in the desire to expand the Capitol Environs area is the By-Pass situation coming in on Capital Parkway [inaudible] He added that the height restriction does not apply to such things as radio antennas or [inaudible] of an elevator shaft.

*2. BOARD OF HEALTH (Johnson) Ms. Johnson stated that the Council had heard a great deal of what had been discussed at the Board meeting already this morning at the City-County Common meeting. She added that one issue the Board has made positive recommendation on is breast feeding. The Mayor has been very supportive in providing areas for City Staff to breast feed their children. Ann Seacrest, has been spearheading this on the State level and the response there has been very positive.

Ms. Johnson stated that the Board adopted by a unanimous vote a recommendation that the Health Department take a look at their abstinence education. They agreed to review their program with the Abstinence Coalition in strengthening the abstinence message they teach. There were some people at the meeting who came to speak on their concerns of abstinence in lieu of HIV education. The Task Force will be addressing this concern.

April’s meeting is the last meeting for several members of the Board and there is a strategic planning meeting set for May...two days before Ms. Johnson leaves the Council.

*3. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) Ms. McRoy reported that they’re just gearing up for the parade.

4. WILDERNESS PARK COMMITTEE (Fortenberry) - **CANCELLED - WILL TRY TO HAVE THE NEXT MEETING ON MAY 24TH** Mr. Fortenberry urged that somebody, if anyone is interested, step up and serve on this Committee. By the time they meet as rescheduled, Mr. Fortenberry pointed out that he will no longer be on the Council. Mr. Cook asked how often the Committee meets? Mr. Fortenberry stated that they try to meet as necessary when issues require. Mr. Shoecraft noted that next Monday, the Council would be having discussion on Board and Committee assignments in the transition period after the election.

5. INTERNAL LIQUOR COMMITTEE (Johnson/McRoy/Shoecraft) Ms. Johnson reported that they had discussed the Violations List.

She stated that they also discussed extensively Jim Baird’s Cornhusker Detox Report on “Last Drink Data”. It’s been a real concern over the last [inaudible] because a lot of the

establishments were fearful that the data could be used against them as far as violations [inaudible]. All it's supposed to do is open up the quest for the Police Department, allowing them to better know where to concentrate their resources. What they're going to do first is send a letter stating that they're seeing a negative pattern developing which they feel may require that a meeting be set up to talk about some things that can help the licensee do better. But it is going to be very important that the Police know where we're constantly seeing problems - where, obviously, the people aren't following the regulations.

We talked about the City Council Members on the Committee and preparing for that transition. We're looking at including a couple more representatives on the Committee. We want to get the Health Department to be represented; a City person..somebody from the City at-large. We're even reviewing the possibility of having a liquor licensee representative there. On certain issues it may be very helpful to see the situation from their perspective. They could participate, then if anything confidential came forward, they would understand they'd have to leave to allow the City Staff to discuss sensitive issues. So that's moving forward.

We're talking about a review of dance permits, too. We should be getting some information regarding that. In a lot of the problems involved with our liquor licenses, there seems to be 'dancing' as a correlation. Dance Permits are not governed by the State, but by us. So, we'll review that potential possibility of controlling some of the problems. If someone is not meeting the dance permit requirements and you're having problems the liquor license, the dance permit could be [inaudible]

Mr. Shoecraft noted that a lot of places that are experiencing problems, as Cindy pointed out, have dancing as part of their operation. The City controls the dance permits. We can suspend them or delay them. That would be a great tool in controlling, potentially, some of that activity at some of our trouble spots. It would be a great tool.

Ms. Johnson noted that there was a web-based "server education program" being discussed with the mandating of server education. We put initiating the program off for the reason that the University has the resources and the ability to develop a server education training to be done on the Internet. License holders can just train their people there at work so that it is inexpensive and required. The State is willing to pitch in the money to have the University do this. So, this could be something the State can do that would take it away from the local regulation. *They* will then make sure the servers are taking the required training. That was a positive thing.

6. DOWNTOWN LINCOLN B.I.D. ASSOCIATION MEETING (Seng) Ms. Seng reported that there was a short presentation on the entertainment market study. Ms. Diane Gonzolas and the gentleman who did the study were there. Ms. Seng noted that Mr. Steve Hubka was also at the meeting and gave a presentation on the violation fees increases.

Alan Hersch and representatives from Utilicorp were there to talk about their communication pierce. She noted that there is someone who is on the DLA from the phone company, but that person managed to just keep quite and listen, because the previous time they had a presentation from Alltel. Roger Larson was terribly interested in how we can get

everybody hooked up together. Fifty-six schools are now all linked through Utilicorp. So, that was an interesting presentation.

They also gave a big pitch on the April 19th Technology Fair for the Downtown businesses. Ms. Seng reported that she left the meeting at that point, so did not participate in the parking discussion.

7. PRT (Shoecraft) Mr. Shoecraft reported that the group met and just discussed some open and pending issues. One particular property was discussed briefly in greater detail. He stated that there are some properties under on-going police investigation.

Ms. McRoy asked about a property on 17th and "J" Streets. She noted that an architectural [inaudible] They said it was scheduled to be demolished. Is that a PRT case? It has a round facade. Ms. Harrell noted that it has been a PRT case over the years, off and on. She reported that she had brought it up with the PRT just recently, because she was thinking about putting it back in the hopper, but was told that they're about to tear it down. It's a shame. Ms. McRoy agreed, noting that it is a really neat building. She said that the owner had salvage rights to the property, but the building was going to be demolished because it wasn't structurally sound. Everyone agreed that it was too bad to have such a unique structure demolished.

Ms. McRoy asked if an ordinance was being considered to address the problem of couches on the porch? She stated that at a meeting she attended last week, the Urban Development department said that the Quality of Life Ordinance is going to address that issue. Mr. Shoecraft said that...a couch on the porch, no. The Quality of Life Ordinance doesn't have any teeth on that issue. There are so many people who do that for... Mr. Cook suggested that it be invoked only if it's an ugly couch, maybe one with a paisley design. [Smiles] Mr. Shoecraft didn't think that there could be any impact regarding porch couches when people use them as a chair while lounging or socializing. Ms. Seng noted that would be true, unless there were rats in the couch. Mr. Shoecraft agreed, noting that if there were such a health concern, or if it was there with other junk on a property [that would be a consideration]. Mr. Cook thought it would be more tied into a junk ordinance than the Quality of Life Ordinance.

OTHER MEETINGS REPORTS: Ms. Seng, Ms. McRoy and Ms. Harrell reported on the LAP meeting, which both Mr. Podany, Ms. Shinn and Ms. Brinkman also attended. Ms. Seng commented that they had been the only actual City Council Members in attendance. Ms. Seng noted the glaring lack of County representation. She reported that, immediately after the meeting, she called Kathy Campbell to see why they had not attended. Mr. Campbell related to her that nobody from the County side had been invited. Ms. Seng related to Council that it looked suspicious and was all a set-up. They were trying to go after the gas company, with a person telling sad tales. Ms. Seng noted that Alan Hersch had written to everyone explaining that the gas company had gone out to investigate the information presented at the meeting and there was a lot more to the story than was presented there.

She reported that she and Annette would certainly talk about this at JBC. Ms. Johnson asked then if it was just a game being played by LAP? Ms. Seng stated that it was, but noted that she can't really blame Beatty for doing this. Beatty is trying to come up with more money; but Ms. Seng said she felt like she was used. Ms. McRoy said that the governor was there and Ms. Seng added that there were a lot of representatives for State Senators there along with the State Energy Office representatives. Ms. Brinkman asked if they had been told that the media would be there. She noted that Administration had not been told that the media would be present.

Mr. Shoecraft stated that when he was deliberating whether or not to attend the meeting, he saw that the agenda issue of natural gas prices had already been discussed along with the places for people to go for assistance. He noted that Council had held pre-council meetings on the issue. There was nothing that we as elected officials could do. He wondered then what the meeting was all about. He noted that it was disappointing if the meeting was just some big set-up.

Ms. Johnson asked if the County was meant to be excluded? Ms. Seng stated that they didn't know. Ms. Brinkman noted that LAP is a savvy group and know how things work and who is responsible. But, she didn't know if the County was excluded on purpose or if they just didn't think of them since the City is the one with the regulatory power over the gas company, so they would be the ones to invite. She didn't know how sinister the whole thing was, but.... Several Council Members agreed.

Ms. McRoy stated that neither the Governors office, nor the State Senators could do anything either until the budget is made up...whatever they could do would still take six months to a year before they could help.

Ms. Seng reported that Ms. Campbell had said that the County had the gas company come and talk about how they could get more dollars. Ms. Seng reiterated that she really felt like the elected officials were used.

III. APPOINTMENTS/REAPPOINTMENTS - Noted Without Comment

IV. MEETINGS/INVITATIONS - Noted Without Comment

V. COUNCIL MEMBERS

JONATHAN COOK - No Further Comments

ANNETTE McROY - Ms. McRoy reported to Council that she was working on the issue of Residential Parking permits. She's trying to work with City Staff and there are some who don't want to work on it. Ms. McRoy stated that she needs the information before she can make a presentation to the Mayor. Mr. Shoecraft asked if she was saying that she was not receiving any cooperation? She felt that until the issue is evaluated, no determination can be made on whether or not to move ahead with the project. In order to evaluate it, we need the information from Staff, which she is not receiving. Ms. Seng commented that she felt they needed the information because she has had several people, through the years, saying that it might be a workable idea. Maybe we

could do a pre-council on it. Ms. Johnson asked why bring it forward if we don't know what it's going to cost. Because, if it's cost prohibitive, we wouldn't want to [inaudible]. Mr. Shoecraft stated that he would call Administration and talk to the person who coordinates Public Works issues to discuss this.

CINDY JOHNSON - Ms. Johnson asked about the Animal Control public hearing. Has that been discussed? She also asked if everybody was comfortable with the Entertainment Study. Mr. Shoecraft noted that he had not had a chance to delve into it. Ms. Johnson requested a Pre-Council Meeting on it. Ms. Harrell stated that this was only Phase One of the issue.

JERRY SHOECRAFT - No Further Comments

JEFF FORTENBERRY - No Further Comments

COLEEN SENG - No Further Comments

JON CAMP - No Further Comments

ANN HARRELL - No Further Comments

JENNIFER BRINKMAN - No Further Comments

DANA ROPER - No Further Comments

VI. REQUESTS OF COUNCIL FROM MAYOR - 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

VII. MISCELLANEOUS - From Addendum:

1. Discussion on Luncheon Menu for May 14th - *Council determined that the entree for the luncheon should be the prime rib - a sandwich plate. The Nebraska Club will be notified of that choice this week, with accompaniments as jointly determined by Ms. Seng and Ms. Ray.*

VIII. MEETING ENDED - Approximately 1:15 p.m.

cm040201/jvr