

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 19, 2001
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of Director's Meeting for October 22, 2001.
- *2. Minutes of "Noon" Council Members' Meeting for November 5, 2001.
- 3. Minutes of LES Pre-Council on LES Budget - Monday, November 5, 2001
- 4. Pre-Council Meeting Minutes - RE: 2001-2002 Sales Tax And Budget Forecast - November 5, 2001.
- 5. Minutes of Director's Meeting for June 11, 2001.

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

- *1. Joint Public Building Commission Meeting with Omaha (Camp/Seng)
- *2. RTSD Meeting (Cook/Friendt/Seng)
- *3. ISPC Meeting (Cook)
- *4. Lincoln Partnership for Economic Development Investors' Meeting (McRoy)
- *5. Board of Health (Svoboda)
- 6. Public Building Commission (Camp/Seng) - **HAS BEEN RESCHEDULED TO NOVEMBER 27TH**
- 7. Community Development Task Force Meeting (Cook)
- 8. DEC Meeting (Friendt)
- 9. Multicultural Advisory Committee (McRoy)
- 10. Homeless Coalition Meeting (McRoy/Werner)
- 11. C-SIP Steering Committee (McRoy/Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

- 1. 2001 StarTran Holiday Light Tours - Scheduled for:
Fridays, December 7th, 14th, 21st.
Wednesdays, December 12th, 19th –
AND time for all dates is 7:30 p.m. to 9:00 p.m. (With load time at 7:00 p.m.)
And VIP loading area at StarTran, 1710 "J" Street.

2. 42nd Annual HAVELOCK BUSINESS ASSOCIATION Christmas Breakfast Tuesday, December 11th, 8:00 a.m. at the Isles Reception Hall - 6232 Havelock Avenue RSVP at 434-3107 by Thursday December 6, 2001. (Additional Company Guests are Welcome. - Sponsored by Pinnacle Bank
3. State Farm Insurance Cordially invites you to attend a Retirement Reception Honoring Regional Vice President Dave Harris on Thursday, December 6, 2001 from 2:00 p.m. to 4:00 p.m. at The State Farm Regional Office, 222 South 84th Street – Please RSVP to Monica Hester at 402-327-5814 by December 3, 2001 (See Invitation).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. CITY COUNCIL MEMBERS

VII. MISCELLANEOUS

1. Continue the discussion on the City providing interpreters for Public Meetings.
2. Discussion on Night Meeting in December? (Dec. 17th - Last Meeting of the Month) A night meeting would eliminate Pre-Councils for three weeks in a row since there will be no meetings the weeks of December 24th and December 31st.
3. Discussion of possibility of and interest in an AllTel Tour on December 10th . Also, discussion on procedure for scheduling of Pre-Councils.

VIII. ADJOURNMENT

***HELD OVER FROM NOVEMBER 12, 2001.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 19, 2001
CONFERENCE ROOM 113

Council Members Present: Annette McRoy, Chair; Jonathan Cook, Vice-Chair; Jon Camp, Glenn Friendt, Coleen Seng, Ken Svoboda, Terry Werner; **ABSENT:** None.

Others Present: Mark Bowen, Amy Tejral, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Don Herz, Finance Director; Kelvin Hullett, Alltel; Darrell Podany, Aide to Council Members Friendt, Camp and Svoboda; Joan Ray, Council Secretary; Mark Andersen, *Journal Star* Representative.

I. MINUTES

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Jonathan Cook, Council Vice-Chair, requested a motion to approve the above-listed minutes. Coleen Seng moved approval of the minutes as presented. The motion was seconded by Annette McRoy and carried by the following vote: **AYES:** Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Coleen Seng, Ken Svoboda, Terry Werner; **NAYS:** None.

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

*1. **JOINT PUBLIC BUILDING COMMISSION MEETING WITH OMAHA (Camp/Seng)** Ms. Seng reported that it was a very nice meeting and they treated us royally. They had note pads for us with our name & the Lincoln/Lancaster PBC name on it. They gave us a mug. Ms. Seng announced that they are much more sophisticated than we are and have been in operation much longer than we have, too. She noted that they have cameras in their garages; they have a central kiosk they're trying to expand a little bit because of security. The highlights for Ms. Seng were that no space heaters are allowed (due to a fire they'd had recently); and, for in-house food service, they have a different firm come in each day of the week. So, they have a variety of food and vendors instead of just one.

Mr. Werner asked why Ms. Seng felt they were more sophisticated? Mr. Camp noted that he did not think they were more sophisticated. They may be

older and have a bigger staff than we do, but... Mr. Camp commented on the leasing rates they bill back to parking facility, noting that they were actually higher than ours. He noted that they have a huge wait on parking - 4 to 6 years, although they do have a huge parking structure that is going up right now. They are, like us, concerned with security. They've banned parking around the perimeter of the block. Mr. Camp explained that this was the first time the two entities had met and they planned to get together in six months and have the Omaha Commission come down here for a meeting, as the two Councils are doing now.

*2. RTSD (Cook/Friendt/Seng) Mr. Cook reported that not a lot happened. They had re-passed the budget because of an advertising mistake. That was fairly straightforward.

Ms. Seng commented that the 9th Street tracks had been discussed. She also noted that there had been a lot of discussion on the Wild Rose Lane area.

She explained the "Jamacia Line" to the Council Members. It is a line of the Union Pacific Railroad which runs from 5th & "J" Street to Saltillo Road. Those tracks are being removed, but we still have the Burlington tracks running there, so we aren't rid of the trains completely.

Mr. Cook noted that the railroad still owns the track along Highway 2 up to 56th; then NPPD owns it east of that. He stated that the RTSD would be following up and copying all of the Council Members on their discussion with NPPD and the railroad on the timing of those trains. What few do run ought to run at night so they don't hold up traffic at all of the major intersections during high-traffic-volume hours.

*3. ISPC(Cook) - No Report

*4. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (McRoy) - No Report

*5. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that the main item of discussion had been the Injury Surveillance Report. It was very well done. He asked if the Council Members had received copies of that, which they had. He felt the report was an eye-opener when you see the tracking of injuries and disease.

The one thing that was done as an action item was to vote unanimously to accept just over \$600,000.00 over the next two years for the tobacco settlement fund. There are, of course, stipulations on that money. It has to be used to create new positions and new projects and programs; and can't be used for existing programs. So, there are about 9-1/2 employees to be hired with this money. There was discussion as to whether or not this money has some long-term effect...some longevity attached to it. There is a potential for this money

to last for approximately 25 years. Putting these 9-1/2 employees on and creating these new programs (They've got it broken down into a variety of different programs: data base management system, which would be helpful for us; the recourse development; chronic disease; healthy people; and healthy environments. That is how they will break up the monies and hire the employees) will start immediately because the money is there and we have to start using it.

Mr. Cook asked why there was a restriction on how it can be spent? These new programs may be necessary, and Mr. Cook indicated that he did not have a problem with supporting new programs for the Health Department, but it seemed to him that if it is money they're expecting to be there long-term, why couldn't if fund current programs if we feel there are some that would benefit? Mr. Svoboda responded that he was not sure, but one of the options would be that as we progress through the years, noting that this is the very early stage money, they will obviously have to accept existing programs, because you can't just create a whole level of bureaucracy every time you have a budget cycle. But in this particular case, the Feds have set their standards and their regulations and you either abide by them and accept their money, or you don't accept their money.

Upon questioning, it was determined that the money was State funding, but it comes through the Federal government. Ms. Amy Tejral stated that it will be on-going money for up to 25 years. She noted that during these first years, they wanted to make sure they do something that shows significant outcomes in order to continue to receive the money.

Ms. McRoy asked how often the money was received, wondering if it was every two years? Mr. Svoboda answered that recipients would reapply every year. Ms. Tejral stated that the funding is for an eighteen month period because they were late in getting the money out to people. It is supposed to be an annual give, but they were late, so they're giving recipients money for two years in an eighteen month period. Then, it will be a yearly event after that.

Mr. Camp asked if there were conditions on the renewals? He noted that if we're adding staff like that, thinking of a long-term need or program with short term funding....is that a good match? Mr. Svoboda stated that that is probably a question to ask. He noted that if this is an important enough issue, we could certainly have Bruce come in at a Pre-Council and discuss it in a little more detail. This is State Legislation that has given us the ability to accept this money. Mr. Svoboda state that he would certainly ask Mr. Dart to do that.

He continued, noting that this is total infrastructure money as well, not just creating the position. It covers the hardware, the office space, the space that that person occupies....it was pretty inclusive. Ms. Seng asked if they would be requiring new office space? Mr. Svoboda answered that he had asked that question, but at this point in time they were just 'shoe-horning' everybody

into that building. Public Building Commission will decide if they get different office space and where. At this point, however, there is no new space.

6. PUBLIC BUILDING COMMISSION (Camp/Seng) - **HAS BEEN RESCHEDULED TO NOVEMBER 27TH**

7. COMMUNITY DEVELOPMENT TASK FORCE Meeting (Cook) Mr. Cook reported that they had reviewed the report which is the follow-up that explains what happened over the past year. Mr. Cook indicated that the report had been reviewed and discussed.

8. DEC (Friendt) - Mr. Friendt reported that the major item was review of this past years operating financial statements. He noted that they were able to cover their loan obligations. They ended up not making quite as much operating revenue as anticipated because of the high cost of natural gas, and they feel this will also impact next year. But we are still projecting an operating profit and an ability to have very healthy coverage of our bond and debt obligations. Things look good. The budget was approved by a unanimous vote.

There was no additional update on the potential project with Nebraska Wesleyan University. Right now, that is in a study phase to determine what the cost would be; what the technology would be for NWU to actually be a district energy entity. That will come back to us before next year for consideration.

Ms. Seng asked if that was the first private group? She noted that all the others were public entities. Mr. Friendt stated that he had asked that question. It does raise an issue of how far we can extend this. He noted if he were Peoples Natural Gas, he would be paying attention to this. The fact is, there was a time that the City provided steam heat downtown for lots of buildings, including some in the private sector. This would be the first non-public governmental project. Ms. Seng thought it was very brave of Wesleyan to even be thinking about it. Mr. Friendt noted that from their standpoint it could make a big, big difference in terms of their cost. That would be the question. They're going to be faced with capital investment anyway because the power generating facilities which they have are antiquated and need to be replaced. This, in effect, uses public money to replace their capital investment. In return, we get a multiple-year contract on energy to run their operations. Mr. Friendt did not know, but had asked, what sort of public or advanced notice will be provided. If there are those in the community who want to discuss this issue, Mr. Friendt wanted to insure that it is possible to do so.

9. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy stated that she had checked the minutes of the meeting and had found that they had discussed the Sickle Cell Anemia Foundation. One of the Board Members briefed us on that, and there will be a follow-up on that on December 8th. Ms. McRoy reported that the newsletter will be coming out soon. That is about all that was covered.

10. HOMELESS COALITION (McRoy/Werner) No Report
11. C-SIP STEERING COMMITTEE (McRoy/Seng) No Report.

*Held Over from Week of 11-12-01

OTHER MEETINGS REPORTS: Ms. McRoy reported that she had attended the Parade Board Meeting, adding that they had called several times to make sure she would be in attendance. She noted that the parade was on track and scheduled for December 8th, though they were a little short on sponsorships. She added that there had been a change in format, but nothing to worry about. She noted that every year it comes up - no beauty queens, no politicians, since this is just for kids. However, the governor will be in attendance and the Mayor will be there for the presentation of the Mayor's Award. Ms. McRoy noted that the Council is not in it and that she would be in the crowd, freezing - like everybody else. Mr. Svoboda asked if they had VIP seating? Ms. McRoy indicated that the seating was only for the kids who are judging and for Special Needs citizens.

Ms. Seng reported that she had attended a meeting on Fair Housing, adding that Ms. Tejral had been there as well. The meeting had been put on by the Nebraska Equal Opportunity Commission. What Ms. Seng felt was very interesting was the fact that there is a Fair Housing Center here in Nebraska. They tested 21 times in Lincoln in regard to discrimination. This was not based on complaints, but was a study [initiated by the Commission]. They trained people to come in to apply for either rental or sales in housing market. Twelve out of the 21 did have some findings; three had no findings; six had some findings.

Without much knowledge, they had come in to perform this study. Larry Fisher of the Fair Housing Center of Nebraska had conducted the tests. Each participant had one focus area of discrimination that they are worked on. Ms. Seng found it fascinating.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Tejral gave a brief run-down of upcoming appointments for: Air Pollution Control Advisory Board; Lincoln Commission on Human Rights; Citizens Police Advisory Board; Building Code Board of Appeals. Next week The Parks & Rec Board will have an appointment (Sandra Washington) to replace Ron Jensen. The LES Board Re-appointments are coming up: David Hunter and Beatty Brasch will be recommended for appointment to the two openings created by the loss of members who cannot be reappointed. Mr. Russ Bayer will be appointed to the EMS, Inc. Board to replace Ms. Brasch when she leaves that Board to assume the LES Board appointment. These appointment recommendations will be forwarded to the Council prior to any vote.

IV. MEETINGS/INVITATIONS - Ms. Seng encouraged all Council Members to attend the Havelock Breakfast. The other invitations were noted without

further significant comment.

V. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen confirmed the date of December 20th for the Council's Budget Retreat, as proposed at the last "Noon" Meeting. The time will be from 1:00 to 5:00 p.m. at the Haymarket Park, Diamond View Lounge.

VI. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook commented that the HGTV program was interesting.

If no one saw it, Ms. Harrell explained that a tape would be obtained from HGTV within the next few weeks for viewing by interested Council Members. Mr. Cook opined that the program covered the things that make Lincoln attractive to newcomers such as the trees, the beautiful homes, the varieties of gardens and parks. As we struggle with out budget problems, he suggested that we keep in mind that those things are still very important.

Mr. Cook stated that someone had mentioned to him the possibility of a sign-in sheet for the Council Meetings. He noted that the legislature has a sign-in sheet where those interested in speaking sign in "pro" or "con". Mr. Bowen stated that that is the practice in most places where they hold public hearings. Then the sign-up sheet is given to the Chair to see how many are at the meeting in support and how many are there in opposition, without having to devote the time for everyone to come forward. Mr. Camp commented that a year or two ago he had brought this issue forward. He noted that such a policy also helps the staff have correct spelling of names and addresses for responses and accurate meeting minutes.

This was discussed briefly. A final decision was made to present the proposed policy to the City Clerk for further input and consideration.

Mr. Cook noted that Mr. Luxford was going to try to get a monitor for display and testing for future Council use in the Chambers.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Ms. McRoy informed Council that Bill Luxford had indicated Pre-Councils may have to start earlier. He had requested that the Departments and presenters need to request any special equipment they will need for the presentation prior to the meeting, so Bill can prepare the room. If technological equipment is required, there will have to be a five-minute set up time scheduled into the pre-council line up. Ms. McRoy explained the need for any Council Members who are requesting a pre-council to let either Ms. Ray or Ms. McRoy know what their presentation needs might be. She noted that Mr. Luxford had expressed concern that today's presentation on the water rates had not played well to the home TV audience.

COLEEN SENG - Ms. Seng asked if all of the Council Members had seen the picture and article on Ms. McRoy in the *Omaha World Herald*? Council Members indicated that they had received a copy of the article in their Folder Material, forwarded by Staff. [The article was an interview of four veterans, one of whom is still serving his country. The others, upon completion of their service, have returned to their communities where they continue to work and serve. The four veterans were Army Sgt. McRoy, Navy Lt. Shane Osborn, Air Force Capt. Paul Needham and Marine Staff Sgt. Michael Moeller]

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

AMY TEJRAL - No Further Comments

MARK BOWEN - Mr. Bowen passed out the Information on the Ambulance Billings. (See attached). Mr. Don Herz was in attendance and answered several questions from Council Members regarding this issue.

ANN HARRELL - No Further Comments

DANA ROPER - No Further Comments

VII. MISCELLANEOUS -

1. Continue the discussion on the City providing interpreters for Public Meetings. It was agreed that the decision would be delayed until January, giving City Attorney, Dana Roper, time to investigate the legalities of the issue further. Mr. Roper indicated that the only legal obligations the City has are when we go to Court, at which time an interpreter is required. Mr. Roper added that those interpreters are certified by the Court to insure that the translation is bonafide and adequate.

He also noted that if the question were one of a hearing where there was revocation of a permit, or property concerns, the argument might be made that the City would have a duty to provide an interpreter. Mr. Roper indicated that so far, that case had not been found. He did note that, if requested, the ADA requires that a `signer' be provided for the hearing impaired.

Mr. Cook observed that if there were some legal obligation on the City's part to provide an interpreter, then the issue of a certified interpreter comes into play. It was agreed that the fiscal impact and the participation of the City's ethnic communities should all be taken into consideration. Ms. McRoy wondered if this might not be an appropriate issue to bring before the

Multicultural Advisory Committee. It was suggested that after MAC had a chance to offer input, and the City Attorney had an opportunity to investigate further, then, at that time, a formal City Policy should be adopted which would offer guidelines for the handling of future requests, should they arise.

2. Discussion on Night Meeting in December? (Dec. 17th - Last Meeting of the Month) A night meeting would eliminate Pre-Councils for three weeks in a row since there will be no meetings the weeks of December 24th and December 31st. *It was determined that the Council meeting of December 17th would be a night meeting, beginning at 5:30 p.m. However, there would be a Directors' Meeting as well as Pre-Council meetings to be scheduled for afternoon hours - around the Internal Liquor Committee meeting schedule. (But, there will be no "Noon" Members' Meeting)*

3. Discussion regarding the possibility of and interest in an Alltel Tour on December 10th. Also, discussion on procedure for scheduling of Pre-Councils. *The tour was set for December 10th, prior to the Planning Department's scheduled pre-council presentation on the Special Permit Process on H-3 Zoning. Those members of the Council interested in taking the tour will meet at the Information Desk in the County/City Building lobby at 8:30 a.m. for transport to Alltel. Mr. Kelvin Hullett of Alltel, who was present for this discussion, will be coordinating the tour for Council. Council was assured that it would be listed as a Pre-Council Agenda item with public notice posted.*

VIII. MEETING ADJOURNED - Approximately 12:54 p.m.

CM111901/jvr