

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 10, 2001
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for December 3, 2001.

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

1. Parks & Recreation Advisory Board Meeting (Cook)
2. Lincoln Partnership for Economic Development Investors Meeting (McRoy)
3. C-SIP Advisory Committee Meeting (Seng/McRoy)
4. Joint Budget Committee Allocations Meeting (McRoy/Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

1. "Skeeter Barnes" Steak & BBQ – Join them on Thursday, December 13, 2001 for a sneak peak of Skeeter Barnes (and maybe even sample some "Skeeter Bites") from 5:00 p.m. to 7:00 p.m. – Buzz on over to: 5800 S. 58th Street, Lincoln Trade Center, Old Cheney Road – 421-3340 (See Invitation).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

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MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 10, 2001
CONFERENCE ROOM 113

Council Members Present: Annette McRoy, Chair; Jonathan Cook, Vice-Chair; Jon Camp, Coleen Seng, Ken Svoboda, Terry Werner; **ABSENT:** Glenn Friendt.

Others Present: Mark Bowen, Amy Tejral, Mayor's Office; Dana Roper, City Attorney; Darrell Podany, Aide to Council Members Friendt, Camp and Svoboda; Joan Ray, Council Secretary.

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for December 3, 2001.

Ms. Annette McRoy, Council Chair opened the meeting prior to the arrival of Mr. Cook, who normally conducts the "Noon" Meetings. Ms. McRoy requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes as presented. The motion was seconded by Coleen Seng and carried by the following vote: **AYES:** Jon Camp, Jonathan Cook (late being seated), Annette McRoy, Coleen Seng, Ken Svoboda, Terry Werner; **NAYS:** None; **ABSENT:** Glenn Friendt.

[The audio tape of the meeting was a poor recording - the sound of the air venting system drowned out most of the Council Members' Comments. The detail of these minutes may, unfortunately, reflect that poor recording quality.]

Mr. Cook took his seat and assumed the duties of the Chair.

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

1. **PARKS & RECREATION ADVISORY BOARD (Cook)** Mr. Cook reported that it was a fairly short meeting. They worked on the Mission Statement and it turned out to be not quite what had been approved on the Futures Committee, so it was sent back to committee for further revision.

Mr. Cook announced that if anyone was interested in the Parks & Rec Playground Renovation Schedule, they were welcome to a copy. The plan is for the next several years going through 2009 or 2010.

Mr. Camp mentioned Peter Pan Park, wondering if that is something that should be monitored? This morning comments had been made by the Parks Director regarding the quality... Mr. Cook responded that he thought Council would let the Director handle that and report to Council on how things were coming. Unfortunately they had to scale things back and use lessor equipment

than what they would have liked. The group had been unable to do the fund raising they had anticipated.

Mr. Cook reported that he and Ms. McRoy had been at the opening ceremony for the Skate Park. He noted that the City had promised a certain amount of funding as a match to the funding that would be raised by the Skate Park group and they were unable to make that happen. It's nice that they've been able to come up with some alternative proposal, cheaper, so kids do get something; but it's certainly not what was hoped for.

Mr. Cook shared with Council that the Park and Rec Foundation will be selling pickle cards as a fund raiser. He noted that there had been much debate about whether that was a good thing, or not, but, they decided in the end that it would ultimately be a good source of revenue.

2. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (McRoy)
Ms. McRoy reported that they had met Tuesday morning. There was an update on the efforts of the [inaudible] Developmental Task Force. Briefly, they want to connect Lincoln to the outside world. They re-defined the phrase "quality of life" in order to get Lincoln more into the regional and national spotlight.

She reported that several expansions are planned - one in the 8 to 10 million dollar range for the 2nd Quarter of 2002 was announced. They're working with a food manufacturer - with a possibility of 100 jobs (no name was given on either project). Another flight was added into the Lincoln Airport. There was a presentation by a group promoting entrepreneur-ship in an undergraduate, and graduate program.

Ms. McRoy indicated that Kent Seacrest had discussed the project at Highway 2. He noted that the Wal-Mart would be a "high-end" store in that development...on the order of Home Depot.

There was a gentleman from Blue Cross/Blue Shield who spoke about health benefits and health care and how that relates to businesses. He cited several reasons for the rise in corporate health care costs, one factor cited being inflation.

Mr. Werner, in referencing a *Journal Star* article, asked how and when the process for giving money to Cabela's had been implemented and when had Council approved that? Mr. Bowen explained that that had been a County project and, even though the story had indicated City funding, that was incorrect. The money had come from CDBG money, which is City and County *federal* funding. There is no City budget item for those funds.

3. C-SIP ADVISORY COMMITTEE (Seng/McRoy) - No Report. (Council Members attend only the Steering Committee meetings.)

4. JOINT BUDGET COMMITTEE (McRoy/Seng) - Ms. Seng reported that the termination procedure that had been discussed at the Common meeting, had also been discussed and reviewed at JBC. She noted that the process had been

changed a little, but it is all internal. Instead of calling it a policy, they have termed it a procedure. It will not be sent out with applications, but if someone gets in trouble, it will give Kit Boesch and JBC members direction.

Of course, she noted, this led to discussion on the Malone situation. Ms. Seng noted that they only had some of the information at that point, although, they were pretty sure of the certainty of the eventual outcome [director's resignation].

Mr. Svoboda asked, regarding the termination process, if because it had been introduced at a public meeting, does it not become public record? If anyone is going to see that and see that it was instituted as a procedure rather than instituting it as a policy? Ms. Seng explained that anyone who requested a copy of the procedure would certainly have it available to them. Ms. Seng noted that other Boards have handled difficult situations on their own without intervention; but this gives us a guideline to be used if necessary.

Ms. McRoy reported that there had been an update on the United Way concerns. She stated that they were having difficulties in fund raising. Usually Goodyear is good for about \$30,000. This year, they won't be receiving that money because someone there was upset about the YWCA's Early Teen Survival Program. There was a controversy regarding funds being filtered through the YWCA to Planned Parenthood. Because of that, Goodyear withdrew their participation in the fund raising campaign.

Ms. Seng reported that JBC had set the priorities for the upcoming year. They were the [inaudible] Shelter, Basic Emergency Needs, Family Violence, Youth Development and Behavioral Health. She noted that they had placed Transportation under the Basic Emergency Needs. Ms. McRoy commented that last year that had been a special project for the Madonna Van.

Ms. Seng noted that JBC still has a number of concerns about the community learning centers...thinking that the schools should be doing a lot more. She stated that JBC had asked for a presentation to be made in January on this issue.

Ms. McRoy reported that the City of Lincoln was awarded \$500,000 through HUD for SOR (Single Occupancy Residence) for people who are on the way up from homelessness. New Horizons, a non-profit agency, is working with other key developers who want to do SROs. They held a meeting in late summer downtown, which apparently did not go quite well. It would appear that they need to have Marc Wullschleger of Urban Development spear-head this for the City. The group apparently has the money available, but they have neither a business plan nor a development plan. There seems to be a lot of cart before the horse.

Mr. Bowen stated that they are working with this group in order to get the project off the ground. They will be working with this group and neighborhood associations to locate the facility. Discussion with Council

revealed that the group had been at several neighborhood board meetings and had no answers to any of the questions being posed. They had wrong information and no information. Mr. Bowen indicated that the City would be working with them to develop the project.

OTHER MEETINGS REPORTS: Ms. Seng reported that she met with the Gateway Shopping Center management. They notified her that several Gateway complexes have been sold to an Australian company.

Another meeting that Ms. Seng wanted to report on was the meeting with the Board of Realtors. They had reviewed their past Home Tour. Now they're looking at all the different avenues by which they can promote home ownership in older neighborhoods around the City.

Mr. Werner gave a brief report on the Antelope Park Zoo Triangle meeting. There were lots of trail and zoo people there, which makes for an interesting mix of people. Most of the fireworks were at the previous meetings. They seem to have worked out an agreement on whether the trail should run through the zoo. They will continue to work on the issue, and are now discussing an alternate route. They also discussed expanding the trail. This is apparently Option #5 in the process and there seemed to be a consensus on it.

Mr. Cook reported on the Charter Revision Committee meeting. He noted that he had brought in some proposals to the Committee and would be able to talk about them with Council today in order to let everyone know where things currently stand on this issue. Mr. Cook stated that he had wanted to bring this up previously, but had not wanted to create some strange headline. He noted with apology that he had not had a chance to speak with all of the Council Members prior to the meeting.

The Committee had discussed how it would be appropriate to provide a pay-raise for Council if they want to do that. The proposal initially presented to the Charter Revision Committee stated that the Council gets to set their own pay through Ordinance. The Charter Revision Committee didn't like that, even though many other elected bodies, such as the County Board, do that. So Mr. Cook indicated that he had proffered some alternative language that would allow the Council's salary to be set at 40% of the Mayor's salary. It would be a set figure. Then the Charter Revision Committee expressed a concern that maybe Council Members would bump up the Mayor's salary in order to increase their own salary. He observed that these people didn't trust the Council much. [Laughter]

Mr. Svoboda asked who the people were who make up the Charter Revision Committee? At Mr. Cook's request, Mr. Roper answered that question. His response was that, obviously, there are too many attorneys. [Laughter] He added that the committee consists of citizens-at-large; a University law professor; a bankruptcy attorney; an attorney from a private practice; a gentleman from Ameritas. Mr. Roper apologized for not having the committee roster with him for a more detailed response.

Mr. Werner asked if they weren't appointed by the Mayor? Mr. Bowen stated that that was correct. Mr. Svoboda asked if the make-up was mandated? Mr. Roper indicated that it was not.

Mr. Cook commented that one of the Committee members had indicated that he would not give any of the current Council Members a pay raise. Mr. Cook observed, with just a touch of pique, that the Committee member had not even said 'present company excepted' for Mr. Cook's benefit, (adding that Mr. Snowden had made that comment). Mr. Roper responded that Mr. Snowden was the University Law Professor. Mr. Roper named several other members for Council's information. Mr. Svoboda asked then if the Committee would probably not agree to pass a Charter Revision that would give Council jurisdiction over the salaries of law professors, noting that probably would not fly. [Laughter]

Ms. McRoy asked if the Committee was not also trying to set how many times the Council had to meet? Mr. Cook answered that they were and he would get to that shortly. He continued, noting that the 40% figure would be a considerable increase in pay. The discussion followed the thought of whether or not it would be appropriate to pay Council Members a more reasonable amount...given the time they really do have to spend on the job now-a-days as opposed maybe to what it was like decades ago. They also questioned if it would be appropriate to try to set a salary that, in fact, would allow a person to make this a job, as opposed to having to have another job [to survive]. This would allow lower-income persons, in fact, to run for this office. It's very tough for such a person to that right now.

Mr. Werner commented that would be if they could raise the campaign funds. Mr. Cook noted that that would be another issue. He stated that the discussion had continued on the salary question. He noted that he did not know the Committee's final decision regarding Council pay. He asked if Mr. Roper had that information.?

Mr. Roper stated that he thought they had adopted Mr. Cook's language. Mr. Cook asked "as it was...40% of the Mayor's salary?" Mr. Roper responded, no...the alternative language in terms of allowing the Council to set the salary. Mr. Cook observed that that had been Mr. Roper's suggestion. Mr. Roper responded "Oh, well - I knew it was good." [Laughter]

Mr. Cook was somewhat surprised. Mr. Svoboda asked if this went through a vote of the people? Mr. Cook said no - but there would be a vote of the people on the Charter Amendment to *allow* Council that power. Then, Council can vote to change their own salaries...and then the public can beat up on us for that.

Mr. Cook stated that he really liked the idea of having it set as a percentage of the Mayor's salary, because then, we wouldn't have to directly vote on that. But, then the Committee worried that we were evading responsibility. Are there any other thoughts on this?

Mr. Camp asked if the Charter Revision itself would have to go before the people? The answer was yes...if that's what we want. Mr. Bowen stated that the process would be that the Committee would have a public hearing themselves, then it would come before the City Council before actually being put to a vote of the people.

Mr. Cook added that at a previous meeting they had batted around various ideas such as raising the salary to \$15,000 in the Charter and Mr. Cook had responded that he didn't even think that would worth the trouble of putting it on the ballot. He stated that he was glad they had chosen a different route. He had explained to the

Committee that he thought there was bi-partisan support for doing something with salaries; but to exactly what degree...I guess we'll find out. If they let us set our own, then we'll never get a raise.

Mr. Cook reported that the other issue that was discussed was that of meeting times. He stated that the Revision Committee felt the Council was on some sort of shaky ground regarding taking off on Holidays. Mr. Cook stated that Mr. Roper had just given them the language at the previous meeting which stated that Council would have to meet twice per month. The Committee didn't like that idea....they thought that somehow Council would be goofing off. (Mr. Cook stated that he didn't know how we could be suited for this job at all in their eyes). They proposed a meeting schedule of three times a month. Mr. Cook explained to them that he felt the point here was just to take off Holidays. He told them to just leave everything as it is. There is one sentence which says that the Council may choose to take off weeks that contain a State or Federal Holiday. He thought the Committee was okay with that.

Mr. Roper stated that Mr. Cook's last phrase had been stricken from the language. Mr. Cook responded that he had put in a little weasel phrase that would have let them take off any week they wanted to. He commented that striking that language was understandable...the part he was concerned about was the Holidays. He felt that the people would think this is reasonable...to allow us to take off Holidays.

Mr. Werner asked if this doesn't pass what would happen? Mr. Cook answered that then we would be left with a Charter that doesn't officially allow us to take off the Christmas and New Years holidays. The City Clerk used to go to the Council Chamber, announce the meeting, and note that it would be cancelled due to "lack of quorum". That is pretty much the procedure followed now. In that instance, only the City Clerk is required to show up for the meeting.

Mr. Bowen noted that it would require State action to allow the Council to meet less than weekly because there is a State law which stipulates that Primary Class cities have to meet weekly. Lincoln is the only Primary Class City in the State. Omaha is a Metro Class by designation.

Ms. McRoy noted that the 24th had been designated as a Federal Holiday and therefore the State would be taking that day off as well. Mr. Bowen stated that this will bring up the question as to what City and County will do. He noted that the City and County would be talking about that. The budget officers would be looking at the figures to see how much it would cost to follow suit. He noted that the County would make the determination probably Thursday and the Mayor would make a determination then as well. Other Holiday closings were discussed briefly.

Mr. Cook asked Mr. Roper when the Charter Revision Committee recommendations would be coming to the Council for consideration? Mr. Roper stated that they would have to have a public hearing on the proposals and that would be in January. Then it will come to the Council.

Mr. Cook asked then if these items couldn't, potentially, be on a May ballot? He felt it would be an appropriate place to make the determination.

Mr. Werner asked what the deadline was to have the issues placed on the May ballot. Mr. Roper answered that it was just necessary to get them 45 days ahead of the

election date....noting that 45 days was a general rule of thumb. He stated that it depends upon what was trying to be done.

Mr. Roper advised the Council that the Charter Revision Committee is meeting at 7:00 p.m. on January 16th. So, should they pass it then, it will be sent to Council and you can decide what you want to do. Mr Werner asked if that would be the date of the Charter Revision Public Hearing? Mr. Bowen answered that it would be.

Mr. Bowen stated that there was another item that Administration had asked the Revision Committee to consider. This was the line item veto on appropriations; and they rejected that. Mr. Roper stated that they passed it, but didn't pass it with eleven votes. Mr. Bowen stated that they needed eight votes to pass it and they only had seven votes.

Mr. Svoboda asked if the Mayor would be appointing new Charter Revision Committee members soon? [Laughter]

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment

V. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen stated that they have items to be listed on the Retreat Agenda: Update on the Comp Plan; Status of Bonds, a presentation from the Finance Department; Legislative Update for the coming 60 day session; Public Works reports on projects, with the Beltway included; report on EMS ambulance services and finances; a Five-Year Forecast from Finance Department's Budget Director; Chief Casady was considering presenting a police report on drug investigations and the status of that activity.

Mr. Werner was concerned that with all of these issues on the agenda, there would not be much discussion of the budget. Mr. Bowen answered not on the actual budget itself, but on the forecasts. The Council suggested that Chief Casady make his report at another time. It was agreed that the agenda should have only issues that are budget related at the Budget Retreat. Mr. Werner noted that he would like as much budget information as possible. He wanted to really start getting into it so Council could have a good sense of where we're going. Mr. Camp requested of Mr Bowen that Council receive those five-year projection figures prior to the Retreat. Mr. Bowen stated that he could talk to Steve and see what he has ready. Mr. Camp replied that even just a draft would be helpful. Mr. Werner and Ms. Seng added that it would be helpful to have that information. Ms. McRoy stated that she had asked Don Herz for the information and he had said yes.

Mr. Cook asked what the latest deadline was for adding other budget related items to the agenda? Mr. Bowen stated that they should have them by the Monday preceding the Retreat, which would be the 17th of December.

Mr. Bowen again mentioned to Council the new Scheduler in the Mayor's Office - Ms. Debbie Engstrom.

VI. MISCELLANEOUS - ADDENDUM

1. Discussion of Invitation for date of Tour - You are cordially invited to a personal tour of Madonna Rehabilitation Hospital's Institute for Rehabilitation Science and Engineering. Please select a time convenient to all of you and advise me of a date convenient for you to attend. *Council determined to have this item placed on a "Noon" Agenda in mid-to late-January for further consideration. They requested that Madonna Rehabilitation Hospital choose several dates for their consideration at that time. Council indicated that they would prefer a non-Monday, afternoon tour. Ms. Ray contacted the Madonna facility staff with this information on 12-12-01.*

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Absent

ANNETTE McROY - Ms. McRoy mentioned the letter from the lady who had received a letter from StarTran asking to her to decorate her house because she was on the Holiday Lights Bus Tour route. Ms. McRoy noted that such a request disturbed her. Council discussed the issue briefly. Mr. Cook stated that he had received a notice such as that from StarTran stating that his home would be on the bus tour route and if he planned to put up lights, to be sure to have them up by a certain date. He thought it was a bit pushy, but he was not offended. Ms. McRoy stated that she thought it seemed pushy. The citizen had indicated that the note made her feel obligated, even though she had planned to do the decorating prior to receiving the note. Ms. McRoy stated that she would contact StarTran and let them know that they needed to be more sensitive to citizens' reactions to such mailings in the future.

COLEEN SENG - No Further Comments

KEN SVOBODA - Mr. Svoboda requested that whoever was in charge of the microphones here today, please put them on a stand or something and not on the table. He felt there was a great deal of feedback from rustling papers and background noises. It was agreed that it was good to have the microphones since the Directors could actually hear what the Council members were saying. *Upon checking with Mr. Luxford regarding this request, he noted that it is impossible to put anymore electrical equipment in the area of the head tables, citing the already overloaded electrical configuration there.*

TERRY WERNER - No Further Comments

AMY TEJRAL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12.55 p.m.

CM121001/jvr