

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 14, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for January 7, 2002.
2. Pre-Council Meeting Minutes - RE: Design Standards for Private Roadways - December 17, 2001.
3. Pre-Council Meeting Minutes - RE: Building & Safety Department - 2000 Building Code Proposal - December 17, 2001.

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

1. Public Building Commission (Camp/Seng)
2. ISPC Meeting (Cook)
3. Lincoln Partnership for Economic Development Investors Meeting (McRoy) - **CANCELLED - NO MEETING FOR JANUARY**
4. Multicultural Advisory Committee (McRoy)
5. Board of Health (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

1. Nebraska Public Policy Group (NPPG) invites you to On Tuesday, January 15, 2002 from 5:00 p.m. to 7:00 p.m. at the Loft in the Apothecary Building, 140 North 8th Street, 5th Floor - Please join them for light food, beverages, and the music of Elizabeth Claassen (See Invitation).
2. 2002 Governor's Arts Awards at a Luncheon on Wednesday, January 30, 2002 from Noon to 1:30 p.m. at the Cornhusker Hotel, Lower Level Ballroom (lunch will be served promptly at 12:10 p.m.) - \$20.00 – RSVP by January 23, 2002 to 595-2122 or 341-4067 (See Invitation).
3. Letter of Invitation from Mayor Don Wesely - Mayor's Summit on School/Community Partnerships Meeting on Thursday, January 31, 2002 from 1:00 p.m. to 4:00 p.m. at the Cornhusker Hotel, Lancaster Room/lower level - RSVP to 441-7716 no later than Noon on Monday, January 28th – (See Invitation).

4. Registration for Public Health Grand Rounds is open! – “Urban Sprawl: What’s Health Got To Do With It?” is the ninth broadcast is a series of programs that focus on contemporary public health challenges. Join them on Friday, January 18, 2002 from 2:00 p.m. to 3:00 p.m. – A site will be available within the State Office Building in Conference Room 5B- Please RSVP by Thursday, January 17th if you’d be interested in attending (See E-Mail of Invitation).
5. CenterPointe, Inc. – Cordially invites you and a guest to attend their 2001 Annual Meeting and Luncheon - Featured Speaker: Phil Heckman – on Thursday, January 17, 2002 from 11:30 a.m. to 1:00 p.m. – at the Windsor Stables Reception Center, 1024 “L” Street – (\$15.00 per person) –RSVP by January 15, 2002 and need choice of menu -(prepayment requested) (See Invitation)

REMINDER:

1. Opening of New Branch Libraries and Media Collections - They ask you to join them at both branch locations for the Opening Ceremonies - On Saturday, February 2, 2002 the Loren Corey Eiseley Branch Library will open for public service at 10:00 a.m. and the Bess Dodson Walt Branch Library will open for public service at 11:30 a.m. (1st time on Attend Sheet: Jonathan, Annette, Coleen and Terry indicated that they would be attending - I will have it on the Attend Sheet again for January 14th)(See Attached Letter)

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 14, 2002
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, Ann Harrell, 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 January 7, 2002.
2. Pre-Council Meeting Minutes - RE: Design Standards for Private Roadways - December 17, 2001.
3. Pre-Council Meeting Minutes - RE: Building & Safety Department - 2000 Building Code Proposal - December 17, 2001.

Chair Annette McRoy requested a motion to approve the above-listed minutes. Terry Werner 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, Glenn Friendt, Annette McRoy, Coleen Seng, Ken Svoboda, Terry Werner; **NAYS:** None; **ABSENT:** None

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

1. **PUBLIC BUILDING COMMISSION (Camp/Seng)** Mr. Camp asked how the Council Members liked the new tables and chairs which the PBC had provided for Conference Room 113. Members indicated that they approved of the new furnishings.

Another issue that had been discussed was the vacation of "H" Street. Ms. Seng noted that she wanted discussion among the Council Members for a consensus before forwarding the issue to the Planning Commission.

After lengthy discussion which included such concerns as security, inconvenience to the neighborhood residents, as well as to some elected officials, it was determined that Council had a mixed view of such a move. The expected future expansion to the south was a factor most Council Members felt would be a valid justification for the vacation. However, there was only a mixed consensus

that “security” was a valid justification. Some members felt the security factor for the parking area would be justified with its proximity to the 911/Communications center; but several council members felt eliminating the access of “H” Street for community residents and constituents for a general “security” concern would not warrant justification for vacation.

Mr. Camp noted that PBC was looking at the long-range planning when they proposed the vacation. He explained that the vacation of “H” Street would only be a two-three year plan. When the expansion of the Jail takes place, the vacation would already be in place and would not be an obstacle to the project. In the mean time, the security issue would have been addressed.

Mr. Cook felt other priorities of the community besides security should be a major consideration.

Ms. Seng continued with the report, stating that there had been an update on the Nash-Finch Building; they had considered an RFP for architectural services on the new [north] parking garage. She noted that Jon would be serving on that along with the City/County Finance people, and Larry Hudkins.

Ms. Seng reported that PBC had turned down the Thrifty Nickle’s newsstand request for the area outside the County-City building complex in a public right-of-way area.

2. ISPC (Cook) No Report

3. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS MEETING (McRoy) - **CANCELLED - NO MEETING FOR JANUARY**

4. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported that they had discussed the interpreters policy. They passed a motion to write a letter recommending that a policy be established by the City.

Ms. McRoy noted that the Affirmative Action Draft Report had been passed out for review and commentary. It doesn’t come to Council for official action, but Ms. McRoy requested that copies be sent to the Council Members for their information.

5. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that they had held the annual meeting prior to the meeting last week with all of the Council Members. Mr. Svoboda stated that they had elected new officers with Dr. Ed Schneider to continue on as Chair; Betsy Palmer is the Vice-Chair. That was about the extent of the business meeting.

Mr. Svoboda thanked the Council Members for the over-whelming response of all the members who attended that meeting. He stated that it really says a lot

for the Council's desire and commitment to public health, adding that the Department itself and the staff that was there were extremely pleased.

Mr. Svoboda felt the meeting had been a positive experience. He thought the outcome was good and the feed back from both Council Members and County Commissioners had been excellent in this role on public health.

Mr. Friendt indicated that he had been impressed with the volunteers on the Board who had made presentations. They are really committed and wired-in. Mr. Svoboda agreed.

Mr. Werner commented that he felt it had been a good meeting, but had hoped that there would be more opportunity for discussion. He thought shorter presentations -perhaps written reports ahead of time- would leave more opportunity for discussion of the issues that weren't brought up. Mr. Svoboda stated that he would share that concern with the Board Members. He noted that if we do that in the future, which probably won't be but every couple of years or so, the format could certainly be changed to offer a more open discussion of issues and also more input from Council and County Board as to what the topics of discussion might be.

Mr. Friendt stated that this format would be good for other Departments as well. He felt it would be good to have a chance to discuss strategic issues outside of the budget context. He thought it would be good to initiate such a schedule with other departments. Mr. Svoboda agreed. He noted that Ms. Campbell had mentioned that the best input the County Board had received was on an actual physical tour of the facilities, where you can see the delivery of service one on one. When Mr. Svoboda had mentioned this to Director Dart, he had agreed, with a stipulation that the groups be small -two or three at a time- so as not to disrupt the facility schedule & business.

OTHER MEETING REPORTS - Ms. Seng reported that she and Ms. McRoy had attended the Tuesday evening meeting of the Malone Center. The meeting lasted 3-1/2 hours. Ms. Seng thought the best thing about the meeting were the people tallying the votes. Dave Shively, the Election Commissioner, Rick Hoppe, a good Democrat organizer, Ray Stevens from the County Board (many not realizing that he was on the JBC Board). Someone had referred to the JBC members as evil cohorts from the City. The 13 Board Members being replaced had to be voted upon individually. There were 38-40 eligible voters. On the first vote, there had been one too many ballots, so they had to vote again. It took a long time and was a fascinating experience to watch.

Mr. Camp asked Ms. Seng her bottom line assessment of the situation. Ms. Seng noted that the Foundation, on the Sunday night previous to this meeting, had voted some money to get the locks changed, which is sizable expense; funds were also set aside to hire

two off-duty police officers. There was a letter to the editor yesterday complaining about that. Ms. Seng felt that it was a very sensible thing to do - the advocacy group wanted to do it.

Mr. Friendt commented that Reverend Combs position, that this membership that wanted to vote could not have access to the membership list of the organization, was not right. We're talking about a 5013C Organization that accepts public money. That information cannot be confidential. Ms. Seng noted that it may have to go through a court of law before it can be settled.

Ms. McRoy noted that the new Board would like to move forward and put this behind us and get programs and services back into the Center. Ms. Seng stated that she felt some other agencies will have to step in to be able to get the services back on track. Mr. Svoboda asked if any of the previous board members were re-elected? Ms. Seng answered that just one had been. Ms. McRoy pointed out that he had not been a very strong supporter of the previous Board. Ms. Seng observed that the Executive Director who had been asked to leave; (and had finally resigned) was in attendance at the meeting.

Mr. Camp noted that Jerry Shoecraft was the new Vice-President of the Board. Council agreed that he would be a good force in the Board's operation.

Mr. Cook reported on the Mayor's Neighborhood Roundtable meeting which he had attended. He stated that the topic of discussion had been the West "O" Car Dealers issue. The Dealers now control the organization. Mr. Bill Austin was there to offer their proposal for changing the parking in the front yard - modifying not just the H-3 zoning, but also B-3 and H-2 and Highway. They did take elements of the one prepared by the Law Department regarding hoods up and parking the cars on top of raised platforms. However, they want to park right up to the edge rather than 10 feet back, which is the proposal that we had discussed.

The proposal presented to us is just on hold as their's comes forward. So, we'll get to see theirs first and then we will decide on modifications to that one, or on the one we had. Mr. Cook noted that Council might want to see it before it goes to Planning Commission. Ms. McRoy asked if Council could bring `ours' back once `theirs' has gone to Planning Commission. Mr. Cook answered that that is the question, because if it goes through Planning Commission, and then gets to Council and we say we like that 10 foot idea, but it went through Planning Commission without it, do we have to send it back to Planning Commission? Maybe it's fine to do that. Mr. Roper stated "probably".

Mr. Friendt asked if this was going to go through the normal citizen process? Mr. Cook answered that is correct. For us to have a role and meddling with their legislation at this point would be unusual; but since we took a role in this already, it makes some sense that we might want to have some input.

Mr. Svoboda stated that in talking with the new President of the Association, he had learned that there hasn't been a sit down meeting with H-3 participants...namely car dealers...and the Planning Department. Mr. Svoboda mentioned that that had been one of the Council's mandates, or suggestions, back to the Planning Department - to sit down and go over a piece of legislation that would be brought forward together by both entities. If a compromise couldn't be reached, then Council would deal with it. Ms. Seng noted that there is something missing. Mr. Svoboda agreed, noting that it was the participation of the dealers.

Ms. Harrell commented that her perspective was that the Planning Department deliberately doesn't intend to have that kind of a meeting, but Planning's intent was to handle that language, perhaps, later - closer to the Comprehensive Plan. Then, it was the decision of the business association to come in and file right now. Mr. Friendt suggested that if the issue comes forward before the Comprehensive Plan discussion, we could put the issue on pending.

Mr. Cook asked why it was important that it be held up for the Comp Plan completion? Ms. Harrell answered that she felt it was not something they felt needed urgently to be done. Mr. Cook didn't believe this should be held up waiting for the Comp Plan. Ms. Harrell stated that she believed the Planning Department felt the two issues would dove-tail. She felt the reason the meeting hadn't taken place was because the private sector had decided to come in and file right away.

Ms. Seng mentioned that she would like to have the two sides meet and discuss the issue. Ms. Cook stated that he would like to know what the legislation would mean to other areas on this issue. Some have no front yard setbacks. There is a special permit available to allow parking in the front yard...what does this mean, exactly. Mr. Cook indicated that he had requested Mr. Austin to make up a matrix on the issue, showing what the zoning requirement is today, what it would change to in each of the zoning districts, so it would be clear, since he is modifying more than just the H-3. Mr. Cook thought Council should notify Mr. Austin that they would like more time on this before it goes to Planning Commission.

Mr. Svoboda stated that he thought there would be a much better outcome if the process moves in a very regimented manner where everybody is involved up-front. We can come up with some compromises to begin with. Then we move on through the process as opposed to going through the Planning Commission, going back to the association and H-3 participants, then back to Council. That would just draw the process out forever and accomplishes nothing but animosity. Mr. Cook asked who was in charge of this issue. Mr. Svoboda offered to take the lead on this. He stated that he would call Kathleen [Sellman] and see what her thought is with this issue, and then report back to the Council.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment

V. REQUESTS OF COUNCIL FROM MAYOR - Ms. Tejral had copies of LB932 which she passed out to Council Members. [Attached] The legislative updates were discussed briefly with the note that the procedure and format would remain the same as last year.

Mr. Bowen stated that Sinclair-Hille did do their financial assessment on the space issue. It is all now on Public Works. They're going through to see what they might need. It will take at least two-three weeks to see what would or wouldn't work for them. After that we should hear something.

VI. MISCELLANEOUS

Ms. Ray reminded Council to have a nominee in mind from the Council for the Vice-Chair at the Common meeting to be held tomorrow. This is the year that a Council Member will serve as Vice-Chair. The election of officers is on the Common Agenda for 01-15-02.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook asked Mr. Roper if he would draw up what he thinks is appropriate for the Charter Revision Legislation, and that could be submitted to Marion Price to discuss regarding the schedule for City Council Meetings. Mr. Roper, apparently in a droll mood, asked if Council just wanted the verbiage to read "unbridled discretion" to meet whenever you want? Mr. Cook wasn't sure if the term "unbridled" would be a good thing. Mr. Roper, putting a bit of an edge on his comments, asked if perhaps "arbitrary and capricious" might work better? Mr. Friendt stated that the wording should indicate that we're being responsive to the public. Mr. Cook thought Mr. Roper should draw up something appropriate.

It was finally determined, after some discussion, to substitute in the Omaha Charter wording on this issue. They have the requirement that the Council will meet at least twice per month. It was agreed that Lincoln Council would continue to meet more often than that, but it would then be exceeding the minimum requirement.

Mr. Cook asked about the 13 location liquor license on the agenda today. Mr. Svoboda asked Mr. Roper if there was any legal precedence for voting no. Mr. Roper answered "sure". Mr. Svoboda probed further, asking if there are any legal issues that would make a no vote invalid? Mr. Roper stated that they may be able to circumvent the vote at the Liquor Commission level, but he thought it was legitimate grounds for the vote; he added if Council is so inclined, the City Law Department would be happy to fight that battle.

GLENN FRIENDT - Mr. Friendt noted that with the reports coming out that obesity and inactivity is a major health concern for the nations young people, he would like to have a report from the school on the physical education requirements and how we look after the health of our young Lincolnites.

The Agenda for the joint meeting was discussed briefly. It was agreed that the smoking issue was not something that should be discussed again as it was already addressed on the last meeting agenda. Mr. Friendt asked if it hadn't been agreed that these joint meetings would be used focused on items that all three bodies had some interest in and/or authority over. It was the consensus of the Council that that was correct.

The Agenda item requested by Mr. Friendt was passed on to the County Commissioners office for inclusion on the Agenda on 01-15-02...the Agenda dead-line.

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

AMY TEJRAL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - Mr. Roper briefed the Council on the Cell Tower at 84th and South, noting that the Rural Fire Department has no present plans to replace that. It would necessarily have to be in the top spot in the tower. There is going to be a meeting this Wednesday with Hallam, Courtland, Firth and Eagle-Alvo, which are all the people in the Rural Fire District, to discuss the history of the tower and see if there is going to be peace in our time. Kirkland has no ability to force this on them. Mr. Cook asked then if Council shouldn't go ahead and act today - there was no reason to hold this up. Mr. Seng asked, or do we wait until after Wednesday? Mr. Roper answered Ms. Seng, noting they could if they wanted, but waiting 'til Wednesday means waiting another two weeks.

VIII. MEETING ADJOURNED - Approximately 1:05 p.m.

CM011402/jvr