

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, FEBRUARY 4, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for January 14, 2002.
- *2. Pre-Council Meeting Minutes - Executive Session - RE: Space And Security Needs For City Council - January 7, 2002.
- 3. Pre-Council Meeting Minutes - RE: Tobacco Settlement - January 14, 2002.
- 4. Pre-Council Meeting Minutes of Joint City Council and LES Staff - RE: Voucher Program for Low-Income Families - January 14, 2002.
- 5. Minutes of Director's Meeting for December 10, 2001.

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

- *1. Homeless Coalition (McRoy/Werner)
- *2. Lincoln/Lancaster County Prevention Fund Advisory Board Meeting (Seng)
- **3. C-SIP Steering Committee Meeting (McRoy/Seng)
- **4. Star City Holiday Festival Board Meeting (McRoy)
- **5. Downtown Lincoln BID Association Board of Directors Meeting (Werner)
- 6. Internal Liquor Committee (McRoy/Svoboda/Werner)
- 7. Joint Budget Committee (McRoy/Seng)
- 8. PRT Meeting (Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

- 1. Invitation from CEDARS YOUTH SERVICES for Council to visit Cedars Turning Point Program on February 26, 2002 from 11:45 to 1:15 p.m. Turning Point is located at 1430 South Street - Suite 103. Lunch will be served. Parking available to the south of South Street (behind the beauty shop) - See Letter
- 2. Invitation from Kiwanis Club - Request for Speakers for the month of February on the 13th and/or the 27th. The meetings are held on Wednesday at Noon at the USA Steak Buffet on 29th & Cornhusker. If any Council Members would be interested in speaking to the club, they would be appreciative. (440-3017) - See e-mail.

3. **PLEASE NOTE:** The Wednesday, February 6th, 1:00 p.m. Tour of the Madonna Institute for Rehabilitation Science and Engineering at the Madonna Rehabilitation Hospital has been CANCELLED. The Director will be out of town and would like to re-schedule the event for one of the following dates:
 - A. **WEDNESDAY, MARCH 27th OR APRIL 3rd (Please let Joan Ray know which date would work)**
4. Mayor Don Wesely invites you and your family to attend the 2nd Annual Abraham Lincoln Celebration - on Sunday, February 10, 2002 from Noon to 5:30 p.m. - Lied Center for Performing Arts, 301 North 12th Street – If you plan to attend the 3:00 p.m. to 5:00 p.m. performance RSVP to Diane Gonzolas at 441-7831 (See Invitation).
5. After 34 Years of Service with Public Works & Utilities - Al Imig is Retiring - Join us for coffee & cake on Wednesday, February 6, 2002 from 2:00 p.m. to 4:00 p.m. - Engineering Services, Training Room, 531 Westgate Blvd. (See Invitation).
6. Friendship Home - 2nd Annual Heart of the Matter Donor Recognition Luncheon - Please join us for a luncheon to celebrate the successes of 2001 on Thursday, February 14, 2002 from 11:00 a.m. to 12:45 p.m. - Windsor Stables, 1024 “L” Street – Tickets: \$25.00 – RSVP by February 4, 2002 (Kari, 434-0163)(See Invitation).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS

1. Discussion on the convenience stores regarding liquor licenses.
2. Discussion of ‘Free Speech’. (See Attachment)
3. Council’s Budget needs for Fiscal Year 2002-03. (See Attachment)

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM JANUARY 21, 2002.**

****HELD OVER FROM JANUARY 28, 2002.**

ca020402/tjg/jvr

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, FEBRUARY 4, 2002
CONFERENCE ROOM 113

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

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

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5. Minutes of Director's Meeting for December 10, 2001.

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

Mr. Svoboda asked if a voice vote could be taken on approval of the minutes at future meetings. Council Members agreed that this might be a more expedient method of handling this portion of Council business. [According to the *Roberts Rules of Order-Newly Revised*, approval of minutes is normally done by consensus after being moved and seconded for approval, or amendment. An exception is the roll call vote which is the normal process for representative bodies accountable to a constituency, taken in order that the constituents might know how each member voted on an issue. It seems something as routine as approval of minutes, however, might be done by a voice vote. Dana Roper, City Attorney, concurred with the propriety of a consensus approval]

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

- *1. HOMELESS COALITION (McRoy/Werner) No Report

*2. LINCOLN/LANCASTER COUNTY KENO PREVENTION FUND ADVISORY BOARD (Seng) Ms. Seng stated that she would like to combine her reports on the Keno Prevention Fund, the C-SIP Steering Committee and the JBC under the Joint Budget Committee Report.

**3. C-SIP STEERING COMMITTEE (McRoy/Seng) (See Above)

**4. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) Ms. McRoy did not attend due to a schedule conflict.

**5. DOWNTOWN LINCOLN BID ASSOCIATION BOARD OF DIRECTORS (Werner) - No Report.

6. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) - Ms. McRoy reported that the Responsible Hospitality Council had been in attendance as well as restaurant and bar owners. We came up with solutions and ideas on how to handle the football SDL licenses. That discussion lasted nearly two and one-half hours with some really good input. The direction it seemed they wanted to go was to handle the licenses like City events such as the parade. There would be a Board - such as the Parade Board; a Team, (made up of personnel from the Police, Public Works and Parks and Recreation Departments) such as the City's Special Events Team, which, when there are public City events, meets with organizers of those events and goes over the logistics of the event. Someone suggested that we handle the SDL's in the same way. It would be a mini-version of the Events Team to place SDLs downtown.

Mr. Svoboda noted that suggestion came from a gentleman from the Updowntowners (Tad Frasier). Mr. Svoboda thought that was one of the most productive comments that was made during the entire afternoon. If we had a Special Events Team for Football Saturday SDLs, we could eliminate a lot of problems. If applicants don't meet the criteria, they don't get an SDL...and they don't even come before the Council.

Ms. McRoy noted that the City still needed to set the criteria. Mr. Svoboda agreed, adding that, quite honestly, he felt this should happen rather quickly, if we're going to try to put this into motion. We're really going to have those events teams on those SDLs respond for a request in June so that they could be reviewed in July so we could approve them in the latter part of July, well within the 'thirty days prior to the events' requirement.

Mr. Svoboda stated that they would work with City Clerk Joan Ross. Ms. McRoy added that she had also discussed this proposal with Capt. Citta [LPD] who had been very excited about the possibility. Ms. McRoy suggested that she and Capt. Citta sit down and talk about the details and logistics such as who would be on the team, what would it take to get the policy initiated and started. Ms. McRoy stated that she would like to get this all worked out before the next ILC meeting in February.

Mr. Werner felt this would be a good plan, indicating that as he had talked with owners, and they had the same conversations and were enthused about the proposal as well. He felt the public relations involved in the project would be a good thing to do.

Ms. McRoy stated that she hoped this concept of meeting with the industry could be carried over into the convenience store ordinance discussions when that issue came forward. Mr. Werner noted that the training issue had been brought up too. There is a different need in the convenience store management training as opposed to the hospitality training. A great deal of the hospitality class focuses on selling drinks at bars, which is not very useful and is, in fact, a waste of time for the convenience store employees.

Mr. Svoboda stated that he felt it was important for the City to review all of the liquor ordinances and see exactly where we have loop-holes and where we have problems, in order to stave off these problems as they arise. The liquor industry is obviously not going to go away. We'd like to be a little more pro-active in trying to work with the industry and realizing their significance in our community; but at the same time, be able to protect the public. Mr. Svoboda indicated that he had talked to several industry representatives and they too are very much concerned about the current management training courses as being a little more geared to the on-sale as opposed to the off-sale component. He stated that they are looking at that and will be working with Linda Majors in order to try to come up with a better...more forceful...program. Mr. Svoboda stated that it will be a joint review with the industry bringing something to the committee who will then review it.

Mr. Werner commented that the alcohol history portion of the training might be eliminated as well, stream-lining the presentation to the essentials. Mr. Svoboda agreed, stating that though the information might of interest to some, it is not essential to the manager/server training program.

Ms. Seng stated that she felt it was important that the Committee really look at everything again. Over time everything has changed so much - even over the time that she had served on the City Council. She noted that at one time, the Council had a great deal of control over the liquor laws of the City, but we've lost it all. It is time to re-look at everything now...it's most appropriate.

7. JOINT BUDGET COMMITTEE (McRoy/Seng) Ms. Seng gave her report on the Joint Budget Committee meeting as well as the C-SIP and Keno Prevention Fund Advisory Board meetings. Ms. Seng noted that she wanted to do the three reports together because they are all related.

The Joint Budget Committee meets monthly and one of the groups -the Keno Prevention Group- sends their recommendation to the JBC before it comes to Council and County Board. She reminded Council Members that the Keno Prevention Fund is 5% City proceeds and 5% from the County, which together makes 10% for Human Services.

When the Keno Prevention Group meets, they decide which applications will receive funding. There were requests for \$128,000 and there was only \$48,000 available for allocation. So, obviously, quite a few had to be knocked out or cut down. As it turned out, nobody got what they wanted; quite a few of them were cut clear out of the picture. That will be floating through to the County Board and City Council for voting at some point.

The Keno Prevention Group has two people from JBC (one County and one City). Others are folks from around the City. Some are from human services agencies, some from banks and some are auditors....a mixture of folks serving on that Committee.

Ms. Seng noted that one of the “sticky” pieces the Group dealt with at this time was a letter from one of the City agencies which had asked for \$5,000 from the County and \$5,000 from the City to be matched with \$5,000 from the United Way, which would be matched with a very large number from the Johnson Foundation as a grant request. This is very unusual for a City/County Department to come with such a request. So, when Keno Prevention met, they said they weren’t going to do this. That amount will have to come out of either reserves or somewhere else, but we don’t want to affect the agencies that had applied for their small amounts. Then at the JBC meeting, the request was sent to the County Board Chair and the Mayor to work out the situation. The rest of the JBC Agenda was devoted to the Malone Center issues.

Ms. Seng reported that quite a bit of time had also been spent on the SROs (Single Residency Occupancy) site search. There is a \$493,000 HUD grant and a committee that has been put together to look for a site. Ms. Seng noted that Marc Wullshclieger had also given quite a presentation on the Leadership Development program. There is \$20,000 to come out of the Heartland Center and \$28,000 from Woods; \$7,000 from Neighborhoods, Inc. - Maybe \$20,000 from CDBG funding. There is quite a lot of money gathered up for a quality Leadership Training program.

Ms. Seng reported that there had also been a lengthy discussion about what “behavioral health” includes. She stated that we’ve always known it probably included mental health and some sort of developmental disabilities. We discussed whether or not it would include sexual health and decided that it probably did.

Ms. Seng stated that this brings us to the C-SIP Program. She stated that there had been a steering committee meeting of the C-SIP last week and there will be another one this week. What we’re hearing now are the reports from the various coalitions: Housing, Basic Emergency, Family Violence, Transportation, Early Childhood and Youth Development, Medical Health Care, and the Behavioral Health area. She noted that this is all gearing up for the upcoming “Charting Our Future” program. She indicated that Council Members received copies of that material at the last Joint LPS School Board/City/County Meeting.

There is a meeting scheduled for Friday, February 22nd in the morning out at the County Extension Office. She noted that Kathy Campbell will be facilitating that. She encouraged Council Members to attend as this would be a really good over-view of all these area coalitions.

8. PRT MEETING (Seng) No Report

OTHER MEETING REPORTS - Another meeting that fit into the three meetings Ms. Seng reported on earlier in these minutes was the Funders Group, which is the group of foundations here in the City (both public and private). Though she was unable to attend, she noted that this meeting is where all the funders make their observations as to what is happening in their own agencies, along with Urban Development and State representatives and private foundations.

Ms. Seng noted that the Mayor had talked about the summit with the Community Learning Centers. JBC has really had input on that issue, and is trying to stay close to that.

Mr. Werner asked if the Keno revenues had been down? Ms. Seng answered that they had never taken any money out of the principle amount; it’s only been the interest. She noted that the Budget Director tells us how much we have and that is the lid. That is why there is so much concern about the allocations. Mr. Werner asked then if the \$48,000 had been interest? Ms. Seng stated that it was.

Mr. Svoboda reported that he had given personal testimony to the Charter Revision Commission in regards to the proposed amendment before them regarding Council Compensation.

Mr. Svoboda informed Council that there is a line in the amendment that indicates that the Council may, by ordinance, change the compensation of Council Members, but no increase in compensation shall become effective during the term in which voted. Mr. Svoboda stated that he thought that was highly inappropriate and very questionable. If we made a change in the compensation rate this summer, for example, anybody that would get elected or re-elected in 2003, would be making more than three other council members for another two years. And we wouldn't be compensated, initially, until we were re-elected. Mr. Svoboda stated that he had some concerns about that because he thought all Council Members should receive the same pay regardless of their stature, or who they are or how many years they've served. For that reason he met before the Committee and provided testimony personally to them on behalf of those concerns.

Their comment to Mr. Svoboda had been that that was not the intent. The intent of the wording was to insure that no council raise should go into effect until after the next general election. Mr. Svoboda explained to Council that he had responded by saying he felt that intent has to be specifically clarified in that language. Mr. Svoboda asked Mr. Bowen, who had also attended the meeting, if that is correct? Mr. Bowen agreed that that was the original intent. Mr. Svoboda indicated that he had not read it that way and wanted to make sure that intent was clarified in the language. He noted that he had not waited at the meeting for the vote and asked Mr. Bowen if they had voted on any changes. Mr. Svoboda observed that the issue will eventually come back before the Council.

Mr. Bowen stated that it now just passes to the Council for Council review and public hearing. Mr. Cook stated that he agreed with Ken completely. He felt there was ambiguous language; there is no reason it has to be ambiguous - other than keeping lawyers employed. [Laughter - even from Mr. Roper] Mr. Cook felt it should be changed to say "the next general election". Mr. Svoboda stated that he didn't understand why it couldn't be at the beginning of the next budget cycle. He noted that apparently, the Council has the discretion now to make any changes to that proposed amendment prior to putting it before the people.

Mr. Cook responded that the only issue with the change coming sooner than the next general election would be that a State Law prevents us from doing that...any elected office holders from raising their salary before the next election? Mr. Roper stated that that is written into the State Constitution.

Mr. Svoboda asked if the County Commissioners were exempt from that, then? Mr. Roper explained that the County Commissioners are able to give themselves cost of living raises. Mr. Cook asked if those raises take effect after the next election? Mr. Svoboda stated that the last one [County Commissioners' raise] was not done in that way. Mr. Roper stated that he believes they are allowed to give themselves a cost of living raise. Mr. Werner stated that the language should just state the Council makes as much as the County Commissioners. [Laughter]

Ms. McRoy asked what the schedule of the amendment process was. Mr. Svoboda answered that it comes before the Council and we have a public hearing on it and then, Mr. Svoboda assumed it would be on the November ballot. Mr. Bowen indicated that it would be on the May ballot. He stated that it would come before the Council this spring - probably in March.

Mr. Roper stated that the ability to get it on the Spring ballot isn't going to work with the calendar. So, it won't be this spring, it will be later. Mr. Roper stated that by the time it got to the Council and the Council held the hearings, and got it to the Election Commissioner, it wasn't going to work. Mr. Cook asked why it isn't on the Council's Agenda now? What is the delay from Charter Revision? Is there an additional process involved, or does it come to us now?

Mr. Roper stated that it would come to the Council. Mr. Cook stated that this could actually happen in February then to choose what to put on the ballot by the end of February or early March. He asked Mr. Roper if he was saying that's too late? Mr. Bowen stated that if they scheduled a public hearing in February or March, that would be [inaudible] Mr. Roper said no, to do the requisite advertising - it may be possible. Mr. Cook asked Mr. Roper to let the Council know what the possible time lines are. If we wanted to do it for the May election, what would we need to do to make that possible. If it's not possible, we won't.

Mr. Cook stated that the other issue related to that was the issue in the State Legislature on the meetings time clarification.. wasn't that voted out of committee? Ms. Tejral stated that was correct and it is on General File - **LB932**. Mr. Cook asked if that included the Council's amendment to make the language the same as the Omaha Charter? Ms. Tejral stated that she would have to double-check to see if that amendment was attached.

Mr. Camp reported that the Public Building Commission had a Parking Subcommittee meeting. They basically just went through and reviewed the applications of various mirror tags. One key thing that came out of the meeting is that we're going to keep a [space] allocation for the underground garage here. There will be so many per parking space. We started getting more applications for more people. When someone is named a deputy to a deputy, then we get more titles and more applications for the spaces.

Mr. Camp stated that he was also on a sub-committee to review the North Parking Garage. He stated that they had gone through six applications for architects and had narrowed the candidates down to two. This Friday, we will interview those two architects. All the presentations were very good, but these two were chosen.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Tejral had one appointment to discuss. Ross Hecht has resigned from the City of Lincoln Police and Fire Pension Fund Review Committee. She stated that this is a committee to which the Council makes the appointments. There are two police union members, two fire union members and two civilians on the committee. Mr. Hecht was one of the civilians. Council agreed that Mr. Hecht's resignation was unfortunate, with the consensus that he had added greatly to the committee's effectiveness.

Ms. Tejral stated that one possible recommendation from the Mayor's Office would be Donald Hunter. Ms. Seng noted that Council always had a hard time filling this position. Council requested that Mr. Hunter's resume be forwarded to them for review. Mr. Camp offered a name for consideration, but his remarks were inaudible. Ms. Seng noted that there had been another name submitted when Mr. Hecht was appointed. She felt that name could be brought forward at this time. Ms. Tejral stated that she would have the information ready for Council next week.

Mr. Camp asked if Mr. David Hunter's vacated position on the LES Board would be filled in the near future. Ms. Tejral stated that it would be, but they had not gotten to it yet, but it would be done soon.

Mr. Camp asked if Ms. Linda Hunter would continue her term on the Planning Commission. Ms. Tejral said she had not heard anything. Mr. Bowen stated that she had not given any indication that she would step down. Mr. Camp indicated that he was not suggesting that she do so, but was trying to find out for a constituent who had inquired about the matter.

Ms. Seng noted that Mr. Hunter had also been on the Capital Environs Commission. Ms. Tejral noted that position was just being replaced. Mr. Bowen stated that Mr. Hunter had also served on the LPED Board. The Mayor did replace him with [inaudible].

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment

V. REQUESTS OF COUNCIL FROM MAYOR - None

VI. MISCELLANEOUS

1. Discussion on the convenience stores regarding liquor licenses. - *Postponed until next week.*
2. Discussion of 'Free Speech' - Discussion regarding speakers from the University of Nebraska's Speakers Bureau making Pre-Council presentations on issues of importance to the City (Two Issues chosen by Glenn Friendt of special concern: 1) "The Social and Political Impacts of Neighborhood Design and Urban Development" with Speaker Lyn Kathlene; and 2) "Atrazine in the Platte River and Lincoln Wellfield" with Speaker James D. Carr. Would Council Members like to schedule these presentations for Pre-Council meetings? - *Carried over for continued discussion at the next "Noon" meeting.*
3. Council's Budget needs for Fiscal Year 2002-03.- It was determined that there were no areas suitable for cut-backs in the Council Budget for 2002-03 as the budget was pared to basic minimum in last years budget preparation. The subject of additional Staff for the Council Office was brought forward for consideration. Council agreed that this could be pursued at a later date.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Mr. Werner asked Mr. Don Herz, Finance Director, to clarify several items outlined in the report on the EMS Ambulance Audit Report that Council had received. Mr. Herz answered the questions briefly. [Copy of the report on file in the Finance Department]

AMY TEJRAL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - Mr. Roper, after a quick investigation, stated that March 8th is the cut-off date to have the language to the Election Commissioner to have the Charter Revision issue on the Ballot. Mr. Cook noted that Public Hearing could be held on February 25th and could be voted upon at the March 4th Meeting. Mr. Cook asked Mr. Roper to prepare something for introduction and 1st Reading next week. The night meeting is a good time to have the public hearing on the issue.

Mr. Roper asked if the Council wanted the language of the amendment sent to them for review? Mr. Cook asked if it was appropriate to change the language ahead of time; or is it appropriate to take what they send us and then amend it? Mr. Roper stated that they make recommendations to you. If you want to do something different, we can do what you want.

Mr. Svoboda asked if they didn't vote to change any of the text at the meeting the other evening? Mr. Roper stated that he would want to double-check, but he thinks part of the problem was they did not have the requisite number of votes to forward this to you.

Mr. Cook asked if, once we have the public hearing on this, can we amend it only slightly, or substitute something else entirely? Mr. Roper stated that the Council can put on whatever they want to put on. Mr. Cook stated that Ms. Seng was probably right in her thought that Council should just take what they send us for now, but have amendments ready to present to the public at the Meeting of the 25th to show what amendments we're discussing. By then, Mr. Cook felt Council would have some information as to what State Law allows for sure.

VIII. MEETING ADJOURNED - Approximately 1:12 p.m.

CM020402/jvr