

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JUNE 3, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for May 13, 2002.
- *2. Pre-Council Meeting Minutes - RE: FY2002 Action Plan - May 6, 2002.
- *3. Pre-Council Meeting Minutes - RE: Old Federal Building with John Layman - May 6, 2002.
- **4. Pre-Council Meeting Minutes - RE: Summary of Proposed Ordinance/Design Standard Revisions - April 15, 2002.
- **5. Minutes of Director's Meeting for May 13, 2002.
- 6. Pre-Council Meeting Minutes - RE: Old Federal Building - May 20, 2002.

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

- *1. Public Building Commission (Camp/Seng)
- *2. Multicultural Advisory Committee (McRoy)
- *3. Board of Health (Svoboda)
- *4. Homeless Coalition Meeting (Werner)
- **5. Internal Liquor Committee (McRoy/Svoboda/Werner) - **MEETING CANCELLED FOR MAY**
- **6. Star City Holiday Festival Board Meeting (McRoy)
- **7. Floodplain Task Force Meeting (Seng)
- 8. PRT Meeting (Large) (Seng)
- 9. Downtown Lincoln BID Association Board of Director's Meeting (Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- *1. Letter & Material from Carol J. Connor, Library Director – RE: As of September 1, 2002, a vacancy will exist on the Library Board due to the expiration of the term of Ruthann Young (See Material).

IV. MEETINGS/INVITATIONS

1. Governor Mike Johanns invites you to the 3rd Annual Governor's Summit on Workforce Development on October 1 & 2, 2002 (Tuesday & Wednesday) – (See brochure for more details).
2. Itinerary - Nebraska Water Conference Council's Annual Water & Natural Resources Tour - 2002 Drought in the North Platte River Watershed Nebraska, Colorado and Wyoming - July 22-25, 2002 – (See Material for more details).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS

- *1. Discussion on LPED Committee Assignments - **HELD OVER FROM THE APRIL 22ND, MAY 6TH & MAY 13TH "NOON" AGENDA - (See attached Letter from LPED)**
- *2. Discussion on Material from Internal Liquor Committee regarding Last Drink Data. (Requested by Annette McRoy)
3. Budget Hearing Schedule - For Discussion & Approval.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM MAY 20, 2002.**
****HELD OVER FROM MAY 27, 2002.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JUNE 3, 2002
CONFERENCE ROOM 113

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

Others Present: Mark Bowen, Ann Harrell, Amy Tejral, Mayor's Office; Dana Roper, City Attorney; Steve Hubka, Sherry Wolf-Drbal, Budget Office Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, Lincoln *Journal Star* representative

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Chair Jonathan Cook requested a motion to approve the above-listed minutes. Coleen Seng moved approval of the minutes as presented. The motion was seconded by Ken Svoboda and carried by unanimous consensus for approval. (Ms. McRoy Absent for Vote)

[+1] Mr. Cook requested revision of the agenda to allow Mr. Steve Hubka, the City's Budget Officer, to address the Budget Hearings Schedule as the first item of business rather than at the end of the meeting under Miscellaneous Items. Mr. Hubka came forward and addressed the Council regarding the proposed Budget Hearing dates outlining the Charter requirements. With Council input and discussion, it was determined that the schedule would include a 4:00 p.m. Pre-Council on Monday, June 24th, prior to the Council's monthly night meeting to be held at 5:30 on that date. This Pre-Council would be for the Mayor's Budget Presentation. Mayor Wesely's State of the City Address would be the first item on that evening's Council Agenda.

It was agreed that there would be no pre-council meetings on Monday, July 8th, Monday July 15th or Monday, July 22nd, in order to accommodate the scheduled departmental budget hearings. It was noted, however, that there would be Directors' and Council Members' "Noon" meetings on both July 15th and July 22nd, but not on July 8th. It was agreed that the August Night Meeting would be held on August 12th and that the normally scheduled night meeting for the month of August (which would have been August 26th) would be moved to a 1:30 p.m. time schedule. This would be the meeting at which the Council adopts the City's budget for the upcoming fiscal year.

The format of the hearings was also briefly discussed. It was agreed that public input would be limited to five minutes per individual on the entire budget rather than five minutes per individual per Departmental budget. Each person would be given an opportunity to address his/her concerns regarding whatever portion of the budget they chose to discuss, but not the opportunity to discuss each individual department's budget. This would help eliminate the possibility of a few individuals monopolizing the public's opportunity to provide input on the budget issues of concern. Mr. Roper agreed that this would be an appropriate format for the budget hearings. In order to allow Council Members questioning time on budget issues, Council would be allowed time prior to the general public portion of the hearings for discussion.

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

*1. PUBLIC BUILDING COMMISSION (Camp/Seng) Mr. Camp stated that they had talked about the parking garage and the exit sites. Public Works had made a lengthy presentation on traffic counts and figures showing that there shouldn't be entering and exiting onto 9th and 10th Streets. The Public Building Commission ended up saying "no" to those limitations as we wanted to, at least during the first phase, have entrance going in from 10th, otherwise there would be a lot of congestion around the block. Several of us felt that ultimately coming in off "K" would create a lot of congestion. The final decision was that there should be much more communication between the architectural planners and the City Departments such as Public Works.

Other issues were discussed: The public and private parking areas will not be integrated; the parking meters along 10th Street will eventually be removed; a contract was approved.

Ms. Seng noted that the other long presentation had been by Mr. Steve Flanders - a presentation on the Old Fed. Mr. Werner asked if the PBC had ever taken a vote on any of the Old Fed plans? Mr. Camp responded that the PBC had never even approved the RFPs on the Old Fed. Discussion digressed to the Old Fed Issue for a brief period of time. A pre-council on this issue is scheduled for a time later this date.

*2. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported that the Mayor had been at the meeting discussing budget concerns. There had been discussion regarding the manner in which JBC funds were allocated. She believed that JBC would be at the next meeting to answer some of the questions raised regarding JBC vs. Keno funding and other funding questions as well.

*3. BOARD OF HEALTH (Svoboda) Mr. Svoboda stated that it had been a month ago and he had missed the first part of the meeting (the business meeting) because of another commitment. There had been several people present from the National Association of Local Boards of Health who gave a presentation on Strategic Planning on How to Deal with the Clean Indoor Air movement. This would include the restriction of all smoking in all publically used buildings, (not including government buildings). That is something that the Board of Health will be addressing over the next number of months. Mr. Svoboda gave the

Board

a recommendation not to bring it forward to Council until they had a really good, solid base of consensus amongst the majority of retailers - specifically the restaurant and bar associations. They should have some deals with these groups and make sure everyone understood what the ordinance would implement and what the reading of the ordinance would be before it reached the Council. The buildings covered in the scope of the ordinance would include restaurants, bars, and office buildings.

This is a National movement that is going across the country. They presented us with a large slate of statistics that prove that it actually saves the business owner money by not having smoking in the buildings. It saves on maintenance and health costs, etc. The Health Department will be working on this and present it to Council whenever they're ready with it. The Restaurant Association will be the one they will have to deal with. The bars will be one thing, but one owner who is on the Board has elected to corporately do away with smoking in all of his restaurants.

There are currently 210 restaurants in the City of Lincoln that are totally smoke free. Ms. Seng noted that there had been a list of these establishments in the paper. Mr. Svoboda reported that the Health Department has a listing of all of the establishments in a brochure form. He noted that there are more and more being added every single day. Even some of the more traditionally considered 'bar types' are converting to smoke free.

Mr. Werner asked then why should we legislate this? Mr. Svoboda stated that the Health Department would be coming from it from a public health standpoint. They would be protecting the employees, who may not have a choice as to whether or not to work in a smoking section or non-smoking section, rather than focusing on the general public. Mr. Svoboda shared the analogy (which a coalition in Lincoln is running in an ad campaign against smoking in public buildings) that equated smoke in restaurants and 'pee' in swimming pools. You can't section off an area in either instance and not expect "over-flow". Mr. Svoboda indicated that the Health Department had received negative comments regarding the ad, but he felt the analogy was certainly descriptive!

Mr. Svoboda noted that this ordinance will be coming forward to Council soon. Mr. Cook thought that workers who choose to work in a public environment might need to consider the risk, as a high-rise window washer might consider the risk-factor involved in that job. If they choose the profession, they should assume the risks. Mr. Svoboda indicated that with many entry level jobs in an office environment, or jobs such as those in food service, there might not be a "choice" but a skills option and those who have limited skills options should be protected from a harmful work environment just as anyone else would be. He noted that that was the premise from which the Health Department would be working on this issue.

Council requested to have a percentage break-down of all the restaurants in Lincoln that have gone smokeless in relation to the entire number of restaurants in the City. Mr. Svoboda indicated that the Health Department could provide that information to the Council.

*4. HOMELESS COALITION (Werner) - No Report

**5. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) - *Meeting Cancelled for Month of May* Mr. McRoy stated that the Council had requested information on "Last Drink" data and she had seen to it that the information was sent out in Council's packet for their review. She indicated that she did not know if Council wanted to have discussion on that information today. There was no discussion.

**6. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) No Report and No Significant Comments

**7. FLOOD PLAIN TASK FORCE (Seng) Ms. Seng reported that the Corp of Engineers had given an ecological and an economic over-view of the flood plain study. She noted that the mapping done on Salt Creek is the most advanced and extensive that has ever been done on any creek or stream in this water basin or in the State. The streams they will be mapping next will be Dead-Man's-Run and then Beals Slough.

She noted that the Engineers stated that the cells in Salt Creek Basin are full. So the big question is how will we manage these "bowls" or cells; and can we manage them? The representatives from the Corp of Engineers were really impressed. This mapping and figuring all used to be done by hand and now it's almost totally computerized. The volume has changed a little bit in one area, but most of the area has not changed.

One area that there is concern about is the area from Capital Parkway over to "A" Street. One of the "bowls" (4-A on the map) is the one that they're most concerned about. It is the oldest area on the map. The Corp of Engineers will continue to work on that to see if there is anything else that can be figured out to be done on it. The dollar damage at the last flooding was very small.

Ms. McRoy asked if Danny Walker was on the committee? Ms. Seng answered that he was not. She named others who were members. Ms. McRoy stated that she had wondered if Mr. Walker would actually put his time and resources into meeting with the experts on the issue instead of just whacking away at Council Members at public meetings.

8. PRT Meeting (Large) (Seng) No Report

9. DOWNTOWN LINCOLN BID ASSOCIATION BOARD OF DIRECTOR'S MEETING (Werner) No Report

* - Carried Over from May 20, 2002

** - Carried Over from May 27, 2002

OTHER MEETING REPORTS - Ms. Seng reported that the Planning Director Selection Committee had met and they are coming closer to identifying finalists in the interview process. There are future dates set up for final interviews.

III. APPOINTMENTS/REAPPOINTMENTS -

1. Letter & Material from Carol J. Connor, Library Directors - RE: As of September 1, 2002, a vacancy will exist on the Library Board. Mr. Cook indicated that he had contacted Ms. Connor and informed her that the standard procedure would be acceptable to Council. No formal response was deemed necessary at this time.

2. ADDENDUM:

If Ordinance 02-52 passes - A Resolution of Appointment by Council to Task Force will be needed - See Discussion under "VI. MISCELLANEOUS - #4" in this document.

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment.

- V. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen stated that LPED meets tomorrow for the Investors meeting. Mr. Cook indicated that would be discussed under the "Miscellaneous" portion of this meeting.

Mr. Bowen explained, in reference to remarks made by the Mayor at the Directors' Meeting this date regarding the HMS contract, which is signed. It is a one-year contract with a 90-day extension. When the Mayor had mentioned that the contract was "a little longer than a year", that was what he was referencing. Mr. Svoboda asked if it was not retroactive from January 1st, but from....?

Mr. Bowen stated that their extensions to that point have taken them to May 31. This upcoming contract would be from June 1st to May 31st of 2003, with the option for a 90-day extension at the end of that time. This coincides more with the City's fiscal year.

Mr. Bowen stated that he would like to visit with each individual Council member later about some personnel matters that are going on.

VI. MISCELLANEOUS -

*1. Discussion on LPED Committee Assignments - *Held over from the April 22nd, May 6th & May 13th "Noon" Agenda* - The information from LPED indicated that they would continue to exclude all but Board members from the Board meetings. It was agreed that Mr. Camp would be the Council's official LPED Investment Committee representative. Other Council Members could attend if they chose to do so. It was noted, due to the concerns of a Council quorum at public meetings and the required notifications under such circumstances, that staff should be notified if more than three Council members planned to attend.

*2. Discussion on Material from Internal Liquor Committee regarding Last Drink Data. (Requested by Annette McRoy) - Ms. McRoy explained that she had wanted to share the information with Council and had included it in their packets. There was no significant discussion.

3. Budget Hearing Schedule - For Discussion & Approval. [*+* See remarks as noted

at the beginning of these minutes - prior to "II COUNCIL REPORTS...]

4. *If Ordinance 02-52 passes* (Voluntary Payment into Parks & Rec fund from monies collected from billing by LES): - Will need a Resolution of Appointment by Council to name one person to the Task Force that will be created to monitor the resulting new fund. [City Council - 1 appointment; Mayor - 2 appointments (one from the private sector); LES - 1 appointment]. To be carried over to next week's "Noon" agenda for discussion after/if the Ordinance is passed. [Ordinance passed 6-1, Friendt dissenting]

VII. COUNCIL MEMBERS

JON CAMP - Mr. Camp stated that he had received a call from Mr. Fortenberry indicating that he, Mr. Fortenberry, was receiving e-mails directed to Mr. Camp. Mr. Camp asked if other Council Members were having trouble with their e-mail? Ms. Seng indicated that she had not had any trouble! [Laughter - Ms. Seng, who admits to being "technologically challenged", NEVER uses her e-mail) Ms. McRoy stated that she had not been using her Notes e-mail since she had been having so much trouble. She suggested that perhaps there had been a virus in the Notes system which would forward e-mails to everyone in someone's address book. Council determined that no action on Staff's part was necessary since the problem seemed to be not through Notes, but through their own personal computer providers.

Mr. Camp also wanted to ask Council Members what their thoughts were on a delay of the vote on the Old Fed until Council has had time to react to the input from the public at tonight's hearing, as well as an opportunity to review information that had been requested but not yet received. Council did not reach consensus on such a delay.

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Mr. Friendt asked if Darl's Economic Development Plan going to be part of the Mayor's presentation on the budget. If it is not going to be part of the budget presentation, he would like to schedule a pre-council to hear what Darl Naumann's Economic Development Action Plan is for the coming year. Mr. Bowen indicated that Mr. Naumann would be working with LPED on that, so it is part of the LPED effort. Mr. Friendt asked then if at some time Council would have that presentation? Mr. Bowen said that they would...but not with the budget. It would be through LPED independently.

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

AMY TEJRAL - No Further Comments

MARK BOWEN - Mr. Bowen announced that regarding a response he had received from HMS in which they indicated their response had been prompted by inquiries they had received from Council, so, if any of you... Mr. Cook asked if they hadn't identified which member? Mr. Bowen indicated that they had not. Mr. Bowen stated that whichever Council Members had the questions, he would be glad to talk with them and answer any question they might have. Mr. Svoboda stated that it might have been at his request. Mr. Bowen offered to speak with anyone who had questions.

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:20 p.m.

cm060302/jvr