

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JUNE 17, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for June 10, 2002.

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

1. Public Building Commission (Camp/Seng)
2. Transportation Officials Committee Meeting (Cook/Camp)
3. Multicultural Advisory Committee (McRoy)
4. Board of Health (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

1. The Board of Directors of the Cornhusker Better Business Bureau Cordially invites you to attend the 5th Annual BBB Integrity Awards Luncheon on Thursday, June 20, 2002 from 11:30 a.m. to 1:00 p.m. at The Cornhusker Grand Ballroom - Featuring the presentation of the 2002 BBB Integrity Awards - Keynote Speaker: Mr. Jack Rediger - \$25.00 per person - Corporate tables of 8 for \$200 - RSVP by June 17th - (See Invitation).
2. Public Meeting: Holmes Lake Restoration Project on Tuesday, June 25, 2002 from 7:00 p.m. to 8:30 p.m. - at Calvert Recreation Center, 4500 Stockwell - (See Invitation).
3. The M.A.D. DADS of Lincoln, Inc. is proud to invite you to join us as we celebrate individual victories by several youth from our community, that have turned their life around by leaving behind a world of drugs, gang violence and crime. On Sunday, June 30, 2002, our organization will hold its 9th Annual "We're Proud of You" Banquet at Christ Lutheran Church, located at 4325 Sumner, NE. Silent Auction 6:00 p.m. - Dinner 7:00 p.m. - \$25.00 per ticket - Please fill out RSVP Form - 488-8822 (See Invitation).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JUNE 17, 2002
CONFERENCE ROOM 113

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

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

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for June 10, 2002.

Vice-Chair Jon Camp 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 unanimous consensus of all Council Members in attendance, for approval.

A brief discussion ensued on the absence of Council Chair Jonathan Cook as being a much deserved and sorely needed vacation for him. It was noted, however, that Mr. Cook's dedication to his Council concerns would no doubt hinder in the healing and restorative process which a vacation should entail.

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

1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that the Valentino's letter of termination of contract from Mike Alezio had been discussed. Ms. Seng noted that Mr. Alezio had wanted to give the City ample notice, as the lease is up at the end of January in 2003. The letter noted that the "intention was not to renew because they were just not able to make this site work". Ms. Seng stated that suggestions had been offered for replacement facilities. She noted that some members of the Lincoln PBC had been to the Omaha Public Building Commission for a meeting and had discovered that they have a different fast food franchise come in each day. Ms. Seng stated that the Lincoln PBC members had suggested that Mr. Killeen contact the Omaha group and see what he could find out regarding their food service arrangements, noting that the system would seem to offer a variety, which she felt people would appreciate.

She informed Council that other industries around Lincoln had vendors come in with carts to handle the food service needs of personnel and this had been noted as a suggestion for consideration as well.

Mr. Camp reported that there had been discussion many months ago, because Valentino's withdrawal from the City/County food service contract had been a possibility even then, as to whether or not they could find, not a franchise provider, but more of a "mom &

pop” operation which might work better. Ms. Seng noted that this is what had been in place at the other building before the move to the new County-City Building. But that group did not want to continue operating the cafeteria. Ms. McRoy wondered how many people are in the City-County complex in Omaha where they’re using the rotating-vendor option, noting that if they had more personnel to serve, that might make a difference in the feasibility of such an operation. Mr. Camp responded that, just by sheer volume, he felt Omaha would have more people. He noted, however, that he would still have Mr. Killeen investigate the matter to see how the operation is structured, because the Omaha group may include other offices in the area as well. Mr. Camp reported that the Omaha facility also has a lower-level food court area. Here he would think it was a little less accessible for the Hall of Justice; it is also a concern for the Hall of Justice personnel having to go back and forth through security in that building. This causes a more difficult procedure, just by logistics. Discussion continued briefly with a notation that many Lincoln industrial sites have vendors come in on a daily basis.

Continuing the report, Ms. Seng noted that the Commission had approved a contract for demolition on a house at 809 “H” Street. This has gone through the Council and the property has now been purchased. The Commission had also approved the purchase of twelve new flags because they were cheaper by the dozen. It was noted that the purchase was necessary because the flags last for a only a couple of months before they start tattering. Ms. Seng also reported that the general vouchers were approved and that the Housing Authority had hired some of PBC Staff for asbestos removal. Ms. Seng noted that Don Herz had been in attendance and discussion had been held on the upcoming bond for which Wells Fargo is the apparent low bidder.

Also discussed was Block 101 (block to the north). There had never been final approval given for the “underground connector”, so that was approved. Mr. Camp stated that the approval on the “underground connector” had been 4-1, noting that he had voted against it. He stated that he had received quite a few calls opposed to the tunnel. Ms. Seng noted that she had only received one call on it. Mr. Friendt asked if, then, the tunnel was a “done deal”? Will it not be coming before Council? Mr. Camp stated that “that was the vote.” Ms. Seng noted that the PBC had also approved an elevator for the facility.

Ms. Seng stated that they had also approved the termination of the lease on the Old Federal Building. She noted that they had spent quite a bit of time talking about this. The finances of this arrangement (while there are still both County and City Offices in the building) were discussed.

She stated that after they had approved the lease termination, they then worked out how it will all take place when the departments and offices housed there are ready to move. She noted that the County has several offices there that will be moved.

The boiler in Old City Hall was discussed, so that will have to be addressed when the shut-off is planned after the offices are vacated. The closing date of Old Fed will be December 31st and then the date for NuStyle to take possession will be January 7th in 2003.

Mr. Camp explained that the time-table will provide for the City’s take-over of management (from the Public Building Commission) of the Old Fed on June 30th. Beyond that, there will be a “pro-ration” of the amount of space the County has and the City has and each will pay their share. Now that will be a total City cost rather than a cost split with the County. County will pay rent for 45 days then they’ll have all their offices out of there.

Mr. Friendt asked if others had received feed-back from the public regarding a group that would be trying to over-turn the Council's decision to "give away" the Old Fed. Mr. Friendt asked if anyone else had heard about such an organized effort to over-turn the decision? Ms. McRoy stated that she had heard people hinting at that. Mr. Svoboda asked if there is a petition process for the City like there is at the State level? Mr. Roper answered 'Not yet'. Mr. Svoboda asked if there was nothing in City Ordinance that would allow the citizenry to over-turn any action of the Council? Mr. Roper answered that that mechanism is via the State. There are decisions that are coming, further down the road, that could be the subject of a referendum, but as of right now, he did not believe there was anything that is "referendable".

Ms. McRoy stated that she had heard that, because the legislation was a Resolution and not an Ordinance, they could not initiate a referendum. Mr. Roper stated that that was true.

Mr. Camp noted that the PBC had also discussed the "K" Street Record Facility having reached capacity. They will try to move some things out of there. One of the things that came out of the discussion was that on June 27th, there will be a meeting about building a New City-County Building. Mr. Camp continued, stating the Joanne Kissel of Sinclair-Hille has been doing a space study. The Sinclair-Hille space study had been based on the City retaining the Old Federal Building so, with the sale of Old Federal, the City is out of space. So now we'll be looking at building another City-County Building within the next five to ten years.

Mr. Friendt asked what would fill this [current County-City] building? Mr. Camp answered that he had made the recommendation that we not do the 3rd floor...the reason being that if we build the 3rd Floor now, and turn around and have to re-do it in five to ten years, that's money down the drain, 'like we did on Old Fed'. Mr. Camp stated the space needs study information that we've gotten so far, shows this building as a part of the Hall of Justice no later than 10 years from now because the courts are expanding so fast.

Mr. Friendt stated that he felt the numbers would have to be run before making a decision on 3rd Floor expansion. When working with a tenant, everywhere he had worked, he would try for a three year lease with two one-year options. But, usually within five years there was an allowance to completely refurbish. That was just part of what was built into the rate of the rent, just to keep the facility up.

Mr. Friendt stated that, knowing how building projects move, if we were told we'd only be using the 3rd Floor for five years, he would guess that it might be five to ten years instead. He stated that he still didn't understand why the City can own, build and have that space and feel like it is not something that ought to be completed. We've been absorbing the cost of that empty space four years now and he would at least like to see the numbers before making a decision not to build-out the 3rd floor.

Mr. Camp felt this was a fair observation. He stated that we could have Don Killeen look at that. That is part of the ten years space needs study we have Sinclair-Hille doing. In a remodel of 3rd floor, there will be major changes on the 1st and 2nd floors as well. So that all has to be factored in.

Mr. Camp noted that people had objected to the two million that had been spent on the upkeep of the Old Fed, and how we've essentially lost that. We do need to look at a cost-benefit analysis and see how this adds up.

Mr. Friendt stated that what really scares him is to see that the Courts and Law Enforcement will have to be expanding. He felt it revealed a frightening scenario regarding our future - with a need for all of these attorneys and courts.

2. TRANSPORTATION OFFICIALS COMMITTEE MEETING (Cook/Camp) Mr. Camp stated that he had attended this annual meeting. It was held to review the future Transportation Improvement Program. He believed Council had received, in last week's packet, the material the Committee had discussed. They had discussed the Long-range Transportation Plan and the Unified Planning Work Program for that transportation plan. Ms. Seng noted that the meeting is a requirement.

3. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported that they had met last Tuesday and had discussed the upcoming `FT Aide to the Mayor' position. It was decided that the MAC would desire that the position would be filled by a person of color. Other issues addressed at the meeting included a budget presentation by the Mayor and concerns about the pools closing.

Ms. McRoy reported that the bulk of the meeting had been dedicated to the discussion by Kit Boesch of the New American Task Force. She and the current chair of the Task Force went through that set-up. Ms. McRoy reported that, as time was running out at the meeting, the JBC budget and how it relates to community centers and different agencies was discussed briefly.

Ms. McRoy reported that the MAC would take the month of July off, but by August, the JBC will have voted on the recommendations and Kit will come back and discuss that in detail, once that is finalized.

Mr. Friendt asked where the funding came from for the New American's Task Force? Ms. McRoy responded that it is made up of 35 agencies and they fund that Task Force through grants at the federal level. It's not a place for individual refugees to ask for help directly, but a place that funds agencies that work with refugees and new Americans, coordinating strategies. They started out as a help for the individual, but changed their focus over the years. Mr. Friendt asked if the City didn't have money -tax dollars- in it? Ms. Seng noted that Kit Boesch's salary came from City/County coffers.

Ms. McRoy stated that there had been a long discussion on a name change for the Task Force. Many people, while refugees, could be here for quite a while and not get their citizenship. Ms. Seng noted that it used to be called the Refugee Task Force. Ms. McRoy stated that they would continue to look at a name change.

4. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that last Tuesday evening's meeting had been relatively short. A couple of things "on the radar screen" included the indoor air quality concerns, and what used to be referred to as the "cat leash law". The latter topic is being worked on with the Animal Control Advisory Committee right now. (Now the issue will be rephrased and referred to as the "cat constraint law")

Mr. Svoboda stated that they're working with a volunteer group that would have a "catch/neuter/release" policy. They would catch, neuter (or spay) the cat, then release it back through an adoption program. This is very similar to what is currently being done at the Human Society. But, as they're working on that, the "cat people" have a very strong and

vocal lobby. Mr. Friendt asked if the Board knew how many “cat people” there are in the City of Lincoln. [Laughter] Mr. Svoboda stated that the Health Department could get that information for Council Members.

Mr. Friendt stated that, though he was amused by it, he was amazed at how a group of very vocal people can potentially obstruct action for the public health. Mr. Svoboda stated that there are well over 10,000 cat licenses in the community. Ms. Seng stated that she wishes they could keep track of all of the calls that Council receives from people who are mad about cats roaming free. Mr. Friendt indicated that those are the people from whom he hears.

Mr. Svoboda stated that he was on the Board of Health in the ‘80s when they tried to address this issue. He remembered that they were beaten down with clubs by everybody, including the City Council at the time, saying do not push this forward....we do not want this on our Agenda. So, it is coming forward again, primarily because there is a somewhat small, but vocal outcry out there of individuals who don’t think cats should be allowed to defecate in your yard if you’re not a cat owner. In Mr. Svoboda’s opinion, cats should be treated like dogs. If they’re caught running free, they would be picked up and a fine levied.

OTHER MEETING REPORTS - None

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. MEETINGS/INVITATIONS - Noted Without Comment.

V. REQUESTS OF COUNCIL FROM MAYOR - None

VI. MISCELLANEOUS - None

VII. COUNCIL MEMBERS

JON CAMP - Mr. Camp asked a question regarding the Claims Against the City portion on today’s agenda. Mr. Roper responded with appropriate information. [*The claim discussed was held out of the monthly claims approval for consideration and action next week*].

JONATHAN COOK - Absent

GLENN FRIENDT - Mr. Friendt asked Mr. Roper a question regarding the Special Permit for alcohol which has been discussed recently. Mr. Friendt asked Mr. Roper if there might be a challenge to the Council’s action. Mr. Roper answered that it was just a question of ‘pick your fight’. The challenge would come from the 100 feet designation. The argument would be ‘How would that specific number differ from 99 feet or 101 feet’. Mr. Roper stated *that* would be the argument that a plaintiff would make...that 100 is just an arbitrary number pulled out of a hat.

Mr. Friendt asked if an individual developer of these facilities would challenge it? Mr. Roper answered "sure....in a heartbeat."

Mr. Svoboda stated that he had discussed with Chief Casady the putting together of a small group of people who would sit down and hash this whole issue out. The group would include City people, developers and the industry for that matter. Chief Casady had said that he is in favor of eliminating the mitigation portion of the ordinance, then doing something as a compromise with the 100 foot designation. Mark Hunzeker has stated that the 100 foot was just a number thrown out there because a number was needed. It never got changed, because mitigation was added.

The Council continued discussion of this issue which would have been better addressed as a pre-council meeting. It was decided that the Internal Liquor Committee should set up a task force of City, developer and industry representatives to discuss the issue and formulate a policy and then help draft an ordinance.

The fact that the Special Permits in the past few years have been vetoed and passed randomly seemingly without a guideline in place was a concern. The Council requested more detailed information on the process required in the passage of such legislation. Ms. Seng stated that such circumstances of mitigation would be good information for Mr. Pedersen to bring to the Internal Liquor Committee for their deliberations in an attempt to afford consistency in the passage and enforcement of the laws concerning these permits.

The Salem permit was discussed briefly with the Council agreeing that it should be brought forward for an over-ride vote, no matter how that vote might turn out. It was agreed to let the Legal Staff review the City's legislative record to this date on these Special Permit issues and let Council know the results of such a review.

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Absent

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:30 p.m.

cm061702/jvr