

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 1, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of Director's Meeting for June 17, 2002.
- *2. Minutes of "Noon" Council Members' Meeting for June 17, 2002.
- 3. Pre-Council Meeting Minutes - RE: Update on Infrastructure Financing Strategy - June 10, 2002.
- 4. Pre-Council Meeting Minutes - RE: Old Federal Building with John Layman/LeLand Group/PBC - June 3, 2002.
- 5. Minutes of Director's Meeting for March 18, 2002.
- 6. Pre-Council Meeting Minutes - RE: Aquila, Inc. - Energy Options - June 18, 2002.

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

- *1. Floodplain Task Force Meeting (Seng) - **CANCELLED**
- *2. PRT Meeting (Seng)
- *3. Homeless Coalition Meeting (Werner)
- 4. Internal Liquor Committee (McRoy/Svoboda/Werner)
- 5. C-SIP Steering Committee (McRoy/Seng)
- 6. Star City Holiday Festival Board Meeting (McRoy)
- 7. Downtown Lincoln BID Association Board Meeting (Werner)
- 8. Public Building Commission Work Session (Camp/Seng)
- 9. Human Services Keno Prevention Fund Meeting (Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS

- 1. Bill Johnston, publisher of the Lincoln Journal Star and Co-Chairman of the Lincoln Mayor's Technology Council, will be the speaker at the Nebraska Enterprise Forum's monthly meeting on Thursday, July 11, 2002 from 5:30 p.m. to 7:00 p.m. at the University of Nebraska Technology Park, 4701 Technology Drive, Lincoln. Johnston will make a presentation on the recent HDR study that

assessed Lincoln's ability to compete in the high tech New Economy (See Invitation).

2. The Advisory Board of the Nebraska Repertory Theatre cordially invites you to meet Jack Klugman and Louis Zorich and honor the 2002 Hall of Fame Inductees at a buffet supper and a performance of Nebraska Repertory Theatre's - The Value of Names by Jeffrey Theatre's on Tuesday, July 9, 2002 - Special Guests: Harvey and Susan Perlman - \$75.00 per person – Host Bar and Buffet Supper 6:00 p.m., Lied Center Mezzanine – Hall of Fame Induction Ceremony 6:45 p.m., Lied Center Lobby – Performance 7:30 p.m., Howell Theatre – Dessert following the performance-Howell Lobby – RSVP by July 5th to 472-2072 (See Invitation).

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS

1. Discussion on the Appointments regarding the LES Donation Committee (See attached E-Mail).
2. Discussion of Community Health Endowment Principal protection legislation (Requested by Glenn Friendt)

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM JUNE 24, 2002.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 1, 2002
CONFERENCE ROOM 113

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

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

I. MINUTES

- *1. Minutes of Director's Meeting for June 17, 2002.
- *2. Minutes of "Noon" Council Members' Meeting for June 17, 2002.
3. Pre-Council Meeting Minutes - RE: Update on Infrastructure Financing Strategy - June 10, 2002.
4. Pre-Council Meeting Minutes - RE: Old Federal Building with John Layman/LeLand Group/PBC - June 3, 2002.
5. Minutes of Director's Meeting for March 18, 2002.
6. Pre-Council Meeting Minutes - RE: Aquila, Inc. - Energy Options - June 18, 2002.

*Carried Over from June 24, 2002 Agenda

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 Glenn Friendt and carried by unanimous consensus for approval.

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

- *1. FLOODPLAIN TASK FORCE (Seng) - CANCELLED
- *2. PRT (Seng) - No Report
- *3. HOMELESS COALITION MEETING (Werner) - No Report
4. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) Mr. Svoboda stated that they had met and talked. He felt that was enough said. Ms. McRoy added that the SDL's had been discussed and preparation was made for the Pre-Council on this issue. She added that the 150 foot distance concern which she brought forward to the Committee had not received a strong reception from the other Committee members. Mr. Svoboda had wanted to form a sub-committee to investigate the matter further. The matter wasn't really perceived to be an ILC issue, but the sub-committee will look into it briefly.

Mr. Werner stated that he had sent an amendment request to Dana Roper to have the legislation read at the last sentence: "The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day-care facility, a residential district or residential related use."

Mr. Svoboda stated that he would like to put together a small committee, because there are a number of people who think the '100 feet' is just an irrelevant figure tossed out there which has no bearing on anything, but is the original number used as "a number" that was just put into the ordinance. The Law and Police Departments would like to investigate and see what number might be more appropriate than the '100 foot' number. Mr. Cook stated that the committee and investigation would be all right with him, as long as the number was not less than the 100 feet. Mr. Svoboda answered that if we do away with mitigation as part of the alternate bill, then we lower the number or change the building configuration requirements. Mr. Cook stated that he did not believe he could, even with the elimination of mitigation, support the reduction, because 100 feet is just not very far.

Mr. Svoboda stated that what they're trying to be done is to look at it as land use issue. Those looking at it from that perspective ask what else would the land be used for? If a commercial entity doesn't feel they can go in without alcohol, then nothing happens to the property and the development doesn't take place; or they buy up the residential areas to use for commercial development and the zoning goes totally out the window.

Mr. Cook thought that if a developer bought up property, unless the Council changed the zone, there could be no commercial development.

Discussion continued with a final consensus being that a committee should investigate the issue further and establish some guidelines for the legislation and bring that information back to Council.

5. C-SIP STEERING COMMITTEE (McRoy/Seng) Ms. Seng reported that the Committee had sent all the Council members a letter showing where C-SIP is in it's growth and development. She noted that serving on C-SIP has not been an enjoyable experience because they're trying to re-design the Human Services' efforts by re-vamping the system in the City and County. When you re-design a system, things get a little touchy. The Foundations are there; the agencies are there and we just inch along.

Ms. Seng noted that the JBC recommendations regarding the July 9th Joint Common Budget meeting will soon be forthcoming.

6. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) The Parade is scheduled for December 7th and will not interfere with the possible Big 12 Championship Game, though the Board did not think that would be a concern this year.

Last year they raised \$81,000; this year the goal is \$100,000. That is a new challenge. The number of entrants will be increased in three categories. They want more horse related entries and more floats. They want more diversity and they're tightening the rules and guidelines for participating. They want some action and a little more creativity from the entrants.

It was asked if they would exclude local politicians again this year. Ms. McRoy answered that the only politicians allowed in the parade are the governor and the mayor. It was asked if that was fair when they were running for re-election. Mr. Werner noted that

they could allow politicians and thus increase the number of horses a--es. [Laughter] Ms. McRoy added that the Committee doesn't allow politicians or beauty queens.

7. DOWNTOWN LINCOLN BID ASSOCIATION BOARD MEETING (Werner) Mr. Werner noted that he had been out of town, but the meeting had been dominated by talk of infrastructure financing and impact fees. The DLA voted on a position paper - copies of which Mr. Werner passed out to the Council. The concerns they expressed were on the effect these impact fees would have of the redevelopment on the down-town area, which is already a challenge. Mr. Werner stated that he would get a report to Council on this issue.

He noted that they had also presented the budget for next year which called for a 2% increase. That was approved unanimously.

Mr. Friendt asked if the Downtown Entertainment Complex had been discussed, wondering what phase of development the project might be in. Mr. Bowen stated that a rough update would show that, according to discussions amongst the local businesses, an expressed interest is still ongoing. We're still pursuing the plan and have put it together as best we can. At this point it still looks very positive. Mr. Friendt asked if the City were working with a developer or with lots of ideas? Mr. Bowen stated that a variety of ideas were being pursued through the DLA which is serving as the clearing house for the project.

8. PUBLIC BUILDING COMMISSION - Work Session (Camp/Seng) Ms. Seng reported that the Building Commission representatives on the Council had not received a copy of the revised plan until the meeting, which was an annoyance and an inconvenience. The plan called for the Council to be on the 3rd Floor. By the time Ms. Seng reached the meeting, she was somewhat irritated.

She explained that it hadn't taken too long to inform the architects that the Council would be on the 1st floor next to the Chambers, noting that both the Commissioners and the Council Office should be next to the Chambers. She continued with a review of the plans for the Council Members.

Mr. Camp stated that he felt it might not be the right thing to finish the build-out of the 3rd floor because of the possibility of the need for a new City/County Building within the next 10 years. A cost analysis should be done to compare the costs of renovation plus new construction. He reminded everyone that these proposals were set for phases to take place over the next five to 10 years and beyond.

Mr. Friendt asked how disruptive the last move had been to City function? Ms. Seng stated that there are moves made all the time. When the Hall of Justice was closed out and the offices moved into this building, then the people still left over there had to move to new locations because that building had to be completely re-done. That was a big move and a big disruption.

Mr. Cook asked, during this work, will departments here have to move temporarily? Ms. Seng answered that they would not.

There was brief discussion regarding the plans as presented by the architects office, including the move of Human Services to the former Election Commissioners Office and the growth of the Courts and Juvenile Court areas and the phase schedule for the remodeling.

There will be a pre-council on this after the departments have been contacted regarding revisions. It was noted that the PBC would have the final determination on the plans.

Mr. Werner asked what the status on the parking lot and the tunnel might be. It was noted that it was being called a connector...not a tunnel. Perhaps a "pedestrian way" would be a good reference. Mr. Svoboda noted that he would call it a tunnel until the day he died. [Laughter] Mr. Camp joked that he had received anonymous offers for \$100,000 if the City would put a sky-walk across "K" Street, with City paying the balance.

Mr. Werner asked what the status of the project was. Mr. Roper explained that the City now owns White Electric, Clover Auto, and that the Spear property was condemned last week (the northeast corner of the block) along with the Bone Appetite building. That leaves us with the northwest corner and a couple of signs to acquire. Northwest is B&J Partnership and they were given a drop-dead date last week on when we would file. That is where we stand at this point.

Mr. Werner asked when demolition and construction could be expected to begin? Mr. Roper stated that it could begin this fall.

Mr. Cook noted that he had heard of discussion at the PBC meeting regarding a new government building and asked for comment on that. Mr. Camp noted that he had brought this up under discussion of the long term space needs, with an additional 30,000 square feet needed by the Health Department. With ever-growing space needs, it's a fair observation that we ought to look at the cost comparison of containing these agencies in rental offices then going to a new building after the courts take over this building, versus going ahead and doing it now. The architects admitted that it is one thing to change a few walls in offices, but if you're going from office to court rooms, you have major costs involved. Mr. Camp noted that with the City's current budget constraints, these cost comparisons should be examined.

Mr. Friendt stated that he would like to see a Master Personnel Plan...what is this space being expanded to accommodate? Why would some of these expansions be necessary? We should have this information. Ms. Seng noted that a pre-council with Joanne Kissell will answer some of these questions. This is a 10 year planning program and the plan needs to be reviewed. Mr. Friendt stated that a financial model needs to be included in the growth estimates.

Mr. Bowen stated that some of this goes back to the first discussions Ms. Kissell had had with Departments, based on what the departments were estimating as their growth needs.

Mr. Svoboda asked if the Council could request to be informed of the identity of the anonymous donor of the tunnel funds. Mr. Roper stated that they could ask, but the donor's anonymity had been one of the contingencies of the donation. Mr. Roper had no idea who the individual was.

Mr. Werner asked Mr. Svoboda what his concern regarding the donation was? Mr. Svoboda answered that it still puts the City in the financial strait of having to come up with the balance of the funds on that project. If we had not had that anonymous donor, we wouldn't have had to deal with this at all, because we couldn't have afforded it. Mr. Werner noted that the Building Commission didn't *have* to do it. That has nothing to do with knowing who it is...why would that matter? Mr. Cook stated that Mr. Svoboda thinks there is something happening here. Mr. Svoboda stated that was true and he didn't like it. He doesn't like the fact that somebody can donate \$225,000 or \$250,000 to the City and earmark it to such a controversial project and say this is the only thing this can be used for and then we just follow suit and say 'okay, we'll dump in our extra couple hundred thousand dollars....and we're going to get our tunnel anyway.' Mr. Svoboda felt there is something odd

about this and he didn't think it is right. He believed if you asked the general population of the City of Lincoln that they would say they'd like to know who it is - who will we owe something to down the road? Somebody, besides the attorney involved, knows who this individual is.

Mr. Werner asked if Mr. Svoboda thought that somebody of influence who really wanted this tunnel talked a buddy into donating anonymously and there will be a pay-off later? Mr. Svoboda stated that Mr. Werner talks about accountability all the time with LPED, why shouldn't we ask for some accountability on a \$250,000 donation? Mr. Werner asked if the vote of the PBC to do this was unanimous? Mr. Camp stated that he had voted against it.

Mr. Werner asked Mr. Camp why he had voted against it? Mr. Camp responded that he felt this was an inappropriate time to expend public funds on such a project. Everyone he spoke with said "don't do it..let people walk outside". Mr. Camp stated that he believed Mr. Svoboda had a point. Mr. Camp felt it is wrong when somebody can coax expenditure of funds from the Public Building Commission or the City. That is more money from the City budget on a change of priorities. The City should be setting the priorities, not basing City policy on the basis of donations. That is buying City influence...buying City government. That is wrong.

Mr. Werner stated that perhaps it is simply leveraging our money. Mr. Camp responded, stating that it is changing the priorities set by the City. You can look at it as leveraging money, but it is not something that is needed. Mr. Werner asked if the project would have been defeated without the money. Mr. Camp answered that it would have been...in fact if it were brought up for vote again today, there is a good chance it would go down three-two. Two of the Commissioners are not happy with what happened and are sorry for their vote.

9. HUMAN SERVICES KENO PREVENTION FUND MEETING (Seng) Ms. Seng noted that there had been requests for \$115,000, and \$39,950 had been distributed. There was a total of \$40,000 which comes twice a year from the interest on Keno Funds. So, several requests were cut out entirely and we knocked every application down from the originally requested amount. That was an unpleasant job that we had to perform last week.

*Carried Over from June 24, 2002 Agenda

OTHER MEETINGS - Ms. Seng reported that the Planning Director Selection Committee had interviewed a couple of people since Council had last met.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. MEETINGS/INVITATIONS - Noted Without Comment

V. **REQUESTS OF COUNCIL FROM MAYOR** - Mr. Bowen passed out the EMS report to Council Members.

Ms. McRoy asked if the Administration had hired a new aide to the Mayor yet? Mr. Bowen answered that they were in the final stages of that process.

VI. **MISCELLANEOUS** -

1. Discussion on the Appointments regarding the LES Donation Committee. Noted without significant discussion. Whether or not to have the Introduction and Action on the same date (when all the appointments came forward together on the Council Agenda) was not discussed. Mr. Bowen stated that once all the members were assembled, the first meeting could be initiated at any time.

2. Discussion of Community Health Endowment principle protection legislation (Requested by Glenn Friendt) Mr. Friendt handed out a draft of the proposed legislation. There has been consultation with the Board and they voted to support this ordinance as drafted. Mr. Friendt announced that he was ready to submit it and take it through the public hearing process. He stated that the basic idea was that the original intent had been that the principle of this endowment would be protected for use in the future. This intent had never been codified, so that was the major step and thrust of this legislation.

There was a recognition that there could be circumstances, very drastic circumstances, under which a caring community would consider that even though the intent had been to protect the principle, something needed to be done. This legislation would allow for a way to access even the principle of the account in case of an emergency which is defined in the statute.

Mr. Friendt added that Jerry Shoecraft had started working with the Board to accomplish this. That process was interrupted, so Mr. Friendt was simply moving the process forward.

Mr. Camp noted that he had concerns about the invasion provision of up to 50% of it. He noted that this is a substantial amount, stating that he realized it would have to be a catastrophic event, but that is still a subjective interpretation. Mr. Camp stated that is one of the points he would want to address in the draft.

He noted another, regarding "no commitment of endowment funds if the fair market value of assets fell below the \$37,000,000 figure." Mr. Camp felt that should be thoroughly thought through. Mr. Camp thanked Mr. Friendt for his efforts on this legislation.

Mr. Friendt stated that there was one person who abstained from the vote, but the vote of Endowment Board Members was 19-1 in terms of supporting this the way it is drafted. That includes people who have been working with this every since the inception of the Endowment. This made Mr. Friendt feel that after two or three drafts with Law Department involvement, to this point it has been crafted with a good deal of thought; and, certainly the process for an ordinance will allow public debate and input.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook had planned to mention opening remarks for the Formal Council Meetings, but time would not allow that. He noted that there had been some changes made in his absence, stating that those changes may be just fine, but he was not entirely comfortable with them yet, so he would probably just continue with what he has been doing prior to the changes.

He reminded everyone that the Council photo would be at 1:15 p.m. today in the Council Chambers.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - Mr. Roper noted that the current wording of the liquor sales ordinance stated: "No alcoholic liquor....no license shall be granted within 150 feet of any church, school, hospice, home for the aged, or indigent persons or veterans homes for their wives and children." There is also a 300 foot limit from the campus of any college or university except for the sale of beer. Mr. Roper noted that "campus" was being defined as the land that the school sits upon. Mr. Roper noted that there had been recent decisions involving `what is a church'..`.what is a school' and questions regarding some of these other seemingly innocuous terms. For example, the Salvation Army has an area where they have regular church services...is that a church? Ms. Seng noted that we had lost that one.

VIII. MEETING ADJOURNED - Approximately 1:10 p.m.

cm070102/jvr