

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 19, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for August 5, 2002.
- 2. Minutes of Director's Meeting for April 1, 2002.
- 3. Pre-Council Meeting Minutes - RE: Infrastructure Financing Strategy - August 5, 2002.

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

- *1. Lincoln Partnership for Economic Development Investors' Meeting (Camp) - **CANCELLED - NO MEETING FOR AUGUST**
- *2. DEC Board Meeting (Friendt)
- *3. C-SIP Steering Committee (McRoy/Seng) - **CANCELLED - WILL BE RESCHEDULED**
- *4. Joint Budget Committee (McRoy/Seng)
- 5. Community Learning Center Meeting (Seng)
- 6. Public Building Commission (Camp/Seng)
- 7. Multicultural Advisory Committee (McRoy)
- 8. Board of Health (Svoboda)
- 9. Homeless Coalition Meeting (Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- *1. Enclosed are letters and resumes received by the Lincoln City Library Board of Trustees from 17 persons interested in being appointed to the Library Board to fill three vacancies created by the completion of Ruthann Young's term and the resignation of Jim Sherwood and John Baylor. **(Held over from the August 5th "Noon" Agenda) (Note: There is also information in regards to these Appointments on the Director's Agenda for August 19th - See that Information)**

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. Haymarket Parking Garage Dedication Ceremony on Thursday, August 29, 2002 - 1:30 p.m., Music – 2:00 p.m., Dedication – 2:30 p.m., Refreshments & Vintage Car Parade (See Invitation)

VI. MISCELLANEOUS

- *1. Discussion on Up-Coming Pre-Council's. (**Held over from the August 5th "Noon" Agenda**)
- *2. Discussion of a Pre-Council on Solid Waste Occupation Tax Legislation. (Requested by Jon Camp and Glenn Friendt)
3. Discussion regarding a notification on Council's E-Mail website explaining Public Information Policy and other Public Information discussion.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM AUGUST 12, 2002.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 19, 2002
CONFERENCE ROOM 113

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

Others Present: Ann Harrell, Mayor's Office; Mark Hunzeker, Attorney - attended briefly; 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 August 5, 2002.
2. Minutes of Director's Meeting for April 1, 2002.
3. Pre-Council Meeting Minutes - RE: Infrastructure Financing Strategy - August 5, 2002.

Chair Jonathan Cook requested a motion to approve the above-listed minutes. Annette McRoy moved approval of the minutes as presented. The motion was seconded by Ken Svoboda and carried by unanimous consensus of members present, for approval.

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

1. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (Camp) - *Cancelled - No Meeting for August*
2. DEC (Friendt) Mr. Friendt reported that the highlight of the meeting was the report on the great futures contract on energy for the DEC. There have been very few disruptions in providing energy to both the County and the State; and the budget is in great shape.
3. C-SIP STEERING COMMITTEE (McRoy/Seng) - *Cancelled - Will Be Rescheduled*
4. JOINT BUDGET COMMITTEE (McRoy/Seng) Ms. McRoy reported that she had not attended the meeting due to a schedule conflict. However, she did attend a meeting on the Indian Center budget requirements. She reported that they were requiring the Center to step up their financial bookkeeping efforts. They turned the City down for the help that had been offered. So, if they're to go it on their own, they will have to have better financial records. They've been requested to separate out what the City has paid as opposed to their State-wide sources, such as WIA.

She also reported that the Indian Center is making approximately \$28,000 per season on a 'football Saturday' parking arrangement they have with an adjoining church.

Mr. Werner had some questions. He noted that Day-Watch had been put on some sort of status of being watched for various reasons. Mr. Werner stated that, according to Alan [Alan Green, Day-Watch Director] no one had come and done an audit or even an

inspection of the books...or even talked to anyone. Mr. Werner stated that when he had asked Kit [Kit Boesch, County Human Services Director] about it, she had stated that they proceed, based upon the United Way recommendations. Mr. Werner pointed out that United Way had never been there either, according to Day-Watch. The woman from United Way had also said during the last budget meeting that United Way had no problem with Day-Watch. Mr. Werner wondered why they were under this "watch" status.

Ms. McRoy answered that what they were referring to was that report submitted after the United Way team had gone in during the budget reviews. Mr. Werner commented that they didn't go in and that is the whole point...they never did go and investigate or review the books. Ms. McRoy stated that they would have had to in order to make recommendations. Mr. Werner reiterated that they didn't. He noted that, according to Alan, they did not make a recommendation and according to the United Way representative at the hearing, they had no problem with Day-Watch. Ms. McRoy said that it was the United Way's team that went in. We wouldn't have the report on Day-Watch without the United Way specialized teams going in there to audit. Mr. Werner reiterated that Alan has said he has never been contacted. Ms. McRoy said she could follow up on that, but there would have to have been an audit. Mr. Werner asked Ms. McRoy to find that information, noting that he would like to see it - because he has no answers and they keep asking him these questions.

Ms. McRoy said that she would be glad to show the report to Mr. Werner. She noted that Day-Watch is on the same probation status as the Indian Center. She commented that the biggest concern that JBC had with Day-Watch is that they're moving, their rent went up and they have heard that the Director is looking for a job. In Ms. McRoy's estimation, that would indicate that the leadership is now unstable; and all of these things together would not make for *any* Center being considered as a good financial risk. Ms. McRoy did indicate that she would be sure that Mr. Werner received the information that he had requested.

5. COMMUNITY LEARNING CENTER(Seng) - *Carry over to next "Noon" Meeting on August 20th.*

6. PUBLIC BUILDING COMMISSION (Camp/Seng) Mr. Camp reported that there had been an update on Block 101, which is the parking facility to the north. The only property that is having to go through condemnation is the Spear Auto property. Everything else has been negotiated and is under City control. We're moving along putting the project out for bid. Mr. Svoboda asked if that property didn't comprise a whole quarter block? It was indicated that that is correct. Mr. Camp reported that the City is still proceeding because the condemnation has been done.

Mr. Roper explained that the City now owns the property and the question is how much will we have to pay. The party involved has appealed that, and it will go to a jury trial in the District Court. Council members were surprised that a jury will actually be determining the amount the City must pay for the property. Mr. Roper, after answering several questions from Council, added the thought that if you are the condemner, you will never win. Winning is not losing too much. Ms. McRoy asked how far apart the parties were. Mr. Roper responded that we were not seriously close. [Laughter] He felt the amounts in question were approximately \$80,000 apart. Discussion continued briefly with Mr. Roper stating that something might still be negotiated.

Mr. Camp continued his report, noting that there will be a meeting next week which will deal with further planning on the space needs and requirements in this building. He stated that a food service option is being investigated, with the possibility of a catering set-up being considered. Valentin's contract will be up at the end of January. He also noted that Mr. Luxford is not enthusiastic about the proposed move of 5-City TV to the 3rd Floor in the currently proposed plans.

Mr. Camp commented that they had also discussed (for over a half an hour) watering the grass here at the County City Building. They had also re-appointed Linda Wilson as the private sector representative on the Commission. They also re-elected Coleen Seng as the Vice-Chair and Larry Hudkins as the Chair, which is how it has been for years.

He continued the report, sharing that they had also discussed the resolution on the Downtown Senior Centers and the Skywalk easement, which is being held until whatever happens on that happens.

He added that they decided to install shelves in the restrooms throughout the County-City Building. They would be 18 inches by 6 inches for placing briefcases or purses. He noted that there were other housekeeping issues that had been discussed, as well.

There had also been discussion on a 'sister-plan' to the City's space-heater policy. Someone had asked about the use of an air-conditioner/air-cleaner for a work area. It was agreed to allow for such a thing during work hours, but not to allow it to run 24-hours per day, as was recommended by the manufacturer of the device.

Mr. Cook, referencing earlier comments regarding the space needs study, added that he, too, is concerned about the "Master Plan" on the space-needs study about moving everybody around the building. Mr. Svoboda asked what the process would be on that, wondering if the Public Building Commission would make that determination? Does the Council have input on the final decisions?

Mr. Camp stated that he hopes it comes back to Council. He stated that they have these plans and they are being worked on. Mr. Werner asked when they are supposed to be done? Mr. Camp stated that he did not remember. Mr. Roper interjected that he did not know that there *was* a time-frame involved in the planning. They're just trying to work with the horizon. Mr. Werner asked if, once the Public Building Commission had sucked enough money into the study, then the PBC would put a stop to it? Mr. Camp stated that once you've spent enough, then you have to go forward. [Laughter]

Mr. Camp stated that it seems the more you get in writing, the less you can change. Mr. Camp still had the question of "do we want to do this?" Does it make sense? Mr. Luxford says the cost of moving all of the equipment for the 5-City TV to the 3rd Floor - it would be an extremely expensive venture. Mr. Cook stated that, again, this whole governing structure just lends itself to a lack of accountability. He noted that if this were the Council making this decision and fitting it into the City's Budget...he thought they would make very different decisions than those being made by the the Public Building Commission. Several Council members noted agreement.

Mr. Camp asked if the Council was apprehensive about this plan? Mr. Werner noted that he felt the PBC had too much money. Mr. Camp asked if they didn't want to do it? He added that he wanted to take back the Council's input to the Commission.

Mr. Cook stated that he did not know if it was appropriate to do the major move of everybody around the building -like musical chairs- especially moving 5-City TV to the 3rd floor. He noted that the Council Chambers are on this floor...and the meetings which are

televised take place on this floor. It seems impractical; if there is a problem, they need to be close in order to handle it. Mr. Svoboda stated that he agreed. He felt moving the Council Offices around and moving County Board up and out was not practical. He said that he did like the simple and relatively inexpensive idea of pushing the front wall out to enlarge and accommodate the possibility of a better conference room and an expanded area for some staff. He noted that he did not mind that, but the constant talk about moving people around concerned him. He observed that there appeared to be very few agencies currently in the building that will be left where they are. Everything is being moved. He thought this was a huge lack of accountability when we're talking budget restrictions. He suggested that Mr. Camp take that back to the Commission.

Mr. Friendt asked if the Public Building Commission is the final decision making body on this? Mr. Camp stated that the PBC is a separate entity and have their own tax levy. Mr. Roper stated that it would be a decision that the County approves and the City approves *and* the PBC approves. The PBC receives its funds from the City and the County. If we have a 'push coming to shove', he would assume that the PBC *could* do it, but it has never been done that way and he doubted that it ever will be done that way. It is one of those things, like it or not, we're going to have to live together. Whether it is a good plan, or a bad plan, it will be something that everybody agrees on. Mr. Cook stated that he hopes it doesn't come to the Council so late that they say, well, we've spent all this money on design and we're ready to go forward and if the Council says "no".....well then.

Mr. Svoboda stated that he had a difficult point to bring up. He asked if the PBC members have one-year terms? [PBC members serve four-year terms]. Mr. Svoboda stated that he did not know that Ms. Wilson's term was up for re-appointment. He indicated a concern that a former Council Member was the private sector appointment to the Public Building Commission. He made it very clear that he has the utmost respect for Ms. Wilson and her credentials in this matter, but feared that there might be a negative perception on the part of the public when a former Council Member is appointed as a private sector representative to the Commission, as opposed to an out-side person filling that seat.

Mr. Friendt stated that he had heard that concern expressed as well. He added that he felt the concern was balanced out by the benefit of having some 'institutional memory' that Linda brings to the situation. Mr. Svoboda agreed, noting that he does not have a problem with Linda sitting on the Commission. He just wanted to make known the comments that he has heard over the last few months when people are talking about the Public Building Commission and its role in the community.

Mr. Werner asked if the appointments are set by State Statute? Mr. Roper answered that they are. Mr. Werner stated that he agreed that it would be better to have a few more people from the community, but we don't have a choice on that? Mr. Roper stated that that was correct....we'd have to amend the statute.

Mr. Camp stated that these points are well taken and he agreed with all of these comments. He explained, however, that when he first had been appointed to the Commission, they had a very difficult time finding someone to fill the "private sector" position. The person originally appointed did not stay, so Linda came on to fill an un-expired term. Mr. Camp stated that Ms. Wilson had been on the Commission for about a year and a half in the role of "private sector" representative. She had also served effectively on the Commission as a Council Member prior to her leaving office.

Mr. Cook asked if, in theory, the Council and the County Commissioners could remove their appointed representative(s) from the Public Building Commission if they were not pleased with what those representatives were doing? Or are these terms set for some period of time and we just have to wait. How does the statute read on that?

Mr. Roper responded that he believed the statute is silent on that issue. He stated that he was not certain, but he did not believe it speaks overtly of a set term. It just says the City will appoint two representatives and the County will appoint two. If you want to change them weekly, you can. Mr. Cook stated that we've been appointing them for particular term lengths. Mr. Roper answered that was by our convenience, because he did not believe that that is mandated by the statute.

Discussion continued regarding possible causes for removal from office. Mr. Roper investigated and found that the three appropriate causes for a member's removal from the Public Building Commission would be incompetence, negligence of duty or malfeasance in office.

The tunnel and its funding were discussed briefly. Mr. Camp noted that, with the right of condemnation, the City does own the property now and can proceed with the project; the jury trial will only determine what will ultimately be paid.

7. MULTICULTURAL ADVISORY COMMITTEE (McRoy) No Report - Conflict in Schedule.

8. BOARD OF HEALTH (Svoboda) No Report - Conflict in Schedule. Mr. Svoboda did relate that the Animal Control Ordinance had been discussed at this meeting. Ms. McRoy requested that a Pre-Council Meeting be scheduled on this issue since there had been so many changes made since the last time this issue had come before the Council. It was agreed, after a brief discussion, that Council would receive a written summary of the ordinance changes and if, after receiving that summary, Council members still felt that a Pre-Council meeting was necessary, one would be scheduled.

9. HOMELESS COALITION MEETING (Werner) No Report.

OTHER MEETINGS - None

III. APPOINTMENTS/REAPPOINTMENTS - Noted Without Significant Comment (Council voted on the Appointments to the Library Board prior to the start of the "Noon" Meeting because Ms. Seng had to leave before the meeting began, and had wanted to be a part of the vote.) Those appointments, all terms beginning September 1, 2002, were approved unanimously with the terms to expire as shown below:

Jeff Kirkpatrick - four-year term to expire August 31, 2006

Lynda Anderson - seven-year term to expire August 31, 2009

James O'Hanlon - two-year term to expire on August 31, 2004.

The Resolution Request for these appointments was drawn up on 08-10-02 and submitted to the City Clerk for processing. A letter requesting notification to the appointees as well as all of those who had applied, was sent to the Library Director on 08-10-02.

IV. REQUESTS OF COUNCIL FROM MAYOR - None

V. **MEETINGS/INVITATIONS** - The question of whether or not the new Haymarket Parking Garage would be open for this week-end's Opening Game of the Season was raised at some point during the Council's Report's portion of this meeting. Ms. Harrell explained that the Contractor had agreed to have the garage ready by the "opening home game" prior to this Kick-off Classic being scheduled. However, the contractor, knowing the atmosphere of football fanaticism in the City, is trying very hard to make the dead-line meet the new date of the "season opener". Ms. McRoy asked if this would add a bonus to the contract? It was determined that there would be no bonus. Ms. Harrell noted that if any Council Members had anyone they would like to invite to the garages opening ceremony (being held on the 29th of August), to let her know.

VI. **MISCELLANEOUS** -

1. Discussion on Up-Coming Pre-Council's. (Held over from the August 5th "Noon" Agenda) After a lengthy discussion:

The following Pre-Councils were deleted from the pending list:

- 1 - Security in the County/City Building - unless something is proposed.
- 2 - Consolidation
- 3 - Entertainment Study - Mr. Werner felt a written update on the Megaplex would be appropriate
- 4 - StarTran/Law - Discussion on City Policy Regarding ADA and StarTran
- 5 - StarTran Taxi Program
- 6 - Interpreters - Mr. Roper felt that, until the Supreme Court had issued a finding on this issue, it would be best for the City not to formulate a policy, but to address the concern as it might be requested on a case by case basis. Ms. McRoy requested a written notice from the City Attorney's Office stating that view so that she could present it to those who had been waiting for a decision as well as offering closure on the issue for her file.
- 7 - PRT Duplex
- 8 - St. George and the Dragon Building Update

Items to Remain on the Upcoming Pre-Council Pending List:

- 9 - **CLC 15 to 30 MIN** - Women's Commission/LeAnn Johnson of 21st Century Grants - Requested by Bonnie Coffey. It was determined that Community Learning Centers would be an issue that would be of concern to Council in the near future and should remain on the list of possible Pre-Councils.
- 10 - **Right-of-Way Acquisitions** (PW/Planning/Parks/UD/Law) - 30 Minutes - Soon
- 11 - **Reasons for Incarceration Increases** (Mike Thurber) - It was decided this should be a Common Agenda Item. - Cori Beattie, Common Recording Secretary for the year 2002, was notified of this request on 08-19-02.
- 12 - **LPED Pre-Council** - (Set for September 23rd, - 45 Min - With City Finance Dept. Only)
- 13 - **Occupation Tax** - Over-view Pre-Council plus requested information from Council Members - set for September 23rd
- 14 - **Animal Control Ordinance** - See Discussion Under Committee Reports. "Board of Health"

2. Discussion of a Pre-Council on Solid Waste Occupation Tax Legislation. (Requested by Jon Camp and Glenn Friendt) - **See Note under #1 (13) above.**
3. Discussion regarding a notification on Council's E-Mail website, explaining the City's Public Information Policy: Council agreed to post a note explaining the City's Public Information Policy to anyone sending an e-mail to the Council Office or to an individual Council Member. Mr. Cook stated that he would work with Staff to formulate a note to explain the City's Public Information Policy - after discussing this issue in greater detail with Mr. Roper to finalize an actual policy, for the public as well as for Council Members.

*Mr. Cook had another issue, not on the Agenda, regarding the Impact Fee's Debate. He requested a vote on whether or not to allow the City Council to sponsor the filming of this meeting for broadcast on 5-City TV. The motion to do so was made by Terry Werner and seconded by Jonathan Cook. The motion failed to carry in a 3-3 tie. The vote was as follows: AYES: Terry Werner, Jonathan Cook, Glenn Friendt; NAYS: Annette McRoy, Jon Camp, Ken Svoboda. ABSENT: Coleen Seng.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - *See Paragraph Above.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - Absent

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

KENT MORGAN - Absent

ANN HARRELL - No Further Comments

MARK BOWEN - Absent

DANA ROPER - No Further Comments

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

cm081902/jvr