

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, OCTOBER 7, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for September 23, 2002.
- *2. Pre-Council Meeting Minutes - Executive Session - RE: Litigation - September 23, 2002.
- 3. Minutes of Director's Meeting for July 15, 2002.
- 4. Minutes of Director's Meeting for August 19, 2002.
- 5. Pre-Council Meeting Minutes - RE: Administration's Final Changes 2002-03 Budget - Tax Funds - August 14, 2002.

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

- *1. Star City Holiday Festival Board Meeting (McRoy)
- *2. Floodplain Task Force Meeting (Seng)
- *3. PRT Meeting (Seng)
- *4. Board of Health Meeting (Svoboda)
- *5. Downtown Lincoln BID Association Board of Director's Meeting (Werner)
- *6. C-SIP Meeting (McRoy/Seng)
- 7. Lincoln Partnership for Economic Development Investors' Meeting (Camp)
- 8. Public Building Commission Special Meeting (Camp/Seng)
- 9. Parks & Recreation Advisory Board Retreat (Cook)
- 10. Community Development Task Force Meeting (Friendt)
- 11. Internal Liquor Committee (McRoy/Svoboda/Werner)
- 12. Joint Budget Committee Meeting (McRoy/Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. Harvey Perlman, Chancellor of the University of Nebraska-Lincoln, Cynthia Milligan, Dean of the College of Business Administration, and Doug Bereuter, Congressman, First Congressional District are pleased to host - Michael Thawley, Ambassador of Australia "Australia - U.S. Relations in Trade and Foreign Affairs" - on Monday, October 14, 2002 at 1:30 p.m. - Nebraska Union Auditorium, 14th & "R" Streets - For information, contact Marilyn Hoskins at 472-3382 (See Invitation).
2. Calvary United Methodist - "Creative Recovery" - An Exhibition of Visual Art Created in the Process of Addiction Recovery - You are invited to the Opening Reception on Friday, October 4, 2002 from 7:00 p.m. to 9:00 p.m. at Calvary United Methodist Church, 1610 South 11th Street - For additional information call 476-7353 or 434-3965. (See Invitation)
3. **THIS EVENT HAS BEEN PUSHED BACK TO OCTOBER 14TH (from 4:00 p.m. to 6:00 p.m.) DUE TO CONSTRUCTION DELAY** - The McDonald's - 3 in 1 Restaurant - Sneak Preview - ~~Monday, October 7, 2002~~ from 4:00 p.m. to 6:00 p.m. - at 5800 Old Cheney Road - By Invitation only - Casual Attire - RSVP to Alison Baseley, Golin/Harris at 312-729-4194 - (See Invitation).
4. Leadership Lincoln's 2nd Annual Celebration of Community Leadership - on Tuesday, October 22, 2002 at the Cornhusker Hotel, Lancaster Room - 5:30 p.m., Social - 6:30 p.m., Dinner - 7:15 p.m., Program - Please RSVP by October 8th - (See Brochure for more details).

VI. MISCELLANEOUS

1. Discussion on Budget presentation for LES - Pre-Council or Informational packet?
2. Discussion of Information Services charges and service. (Requested by Jon Camp)

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM SEPTEMBER 30, 2002.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, OCTOBER 7, 2002
CONFERENCE ROOM 113

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

Others Present: Mark Bowen, Ann Harrell (left early) Mayor's Office; Dana Roper, City Attorney; Joan Ross, City Clerk (attended a portion of the meeting); 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 tacitly by Ken Svoboda. The minutes were approved as presented by unanimous consensus of those members present.

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

- *1. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) - **Carry Over to 10-14-02**
- *2. FLOOD PLAIN TASK FORCE (Seng) Ms. Seng passed out materials she had received at the Task Force meeting. She informed Council that the index sheet explained where the City was currently and what has been done on this issue. There was a great deal of material which covered such diverse projects as Salt Creek, Beals Slough, and Dead Man's Run. Ms. Seng reported that the B&S personnel had discussed the property improvement processes, and the Corp of Engineers made a presentation on Beals Slough. Ms. Seng encouraged Council members to review the materials that she had given to them.
- *3. PRT(Seng) Ms. Seng explained that the Chair of the PRT was having a difficult time paring the agenda down. As problems are resolved, others are added, so the process is ongoing with input from the various Departments.

Prior to the Board of Health Report, Chair Cook requested City Clerk Joan Ross to come forward to discuss the schedule of the Impact Fee Public Hearing and how it relates to the Downtown B.I.D. Board of Equalization Scheduling, the Water Fee issue, and several other issues relating to the Formal Council Agenda.

Mr. Cook noted that his understanding of the situation was the Council *had* to go forward with the Downtown Board of Equalization meeting as scheduled. Ms. Ross stated that the meeting is pretty well set in motion by the Urban Development Department. It has been scheduled for that 1st Monday in November for some number of years. They have several things already lined up with that date targeted. She stated that it is not “in stone” that you absolutely have to hold it that date, but it certainly would keep us all on track if we could continue with that schedule.

Ms. Harrell noted that as a practical matter, there is a massive computer run involved wherein the amounts are calculated for each property owner. It, of course, would vary with a different date. And, the cost would go up for each property owner if the date were delayed. Ms. Ross affirmed this information.

Mr. Cook stated that Council had not known about the Board of Equalization time-schedule. He noted that they had moved the Public Works Board of Equalization scheduled for November 18th to December 16th so it would be out of the way during consideration of the Impact Fees (or anything else). He thought the Downtown B.I.D. Board of Equalization could also be bumped to that December 16th date.

Discussion continued with a final decision being made to hold the Downtown B.I.D. Board of Equalization on the originally scheduled November 4th date, but at a new time: 1:30 p.m. with a 1:15 p.m. Pre-Council from Urban Development. The Formal Meeting would begin at 2:00 p.m. Because the Impact Fees issue will be on that Agenda and a lengthy public hearing is anticipated, a dinner break at 6-7:00 p.m. was proposed; the public hearing then would continue through the evening. Mr. Roper stated that a note indicating that the break would be advertised as “only if needed.” (All of this, of course, would be predicated upon the Action of the Planning Commission)

The 5:30 p.m. Night Meeting of October was left on the 28th. It was determined that there would be a Directors Meeting at 4:00 p.m. on that date. There would be no “Noon” Members meeting and no Pre-Council Meetings. The ILC Meeting would be re-scheduled for 3:00 p.m. [*City Clerk Ross made note of the time change for the ILC Meeting*]

Combining the November 4th Common Meeting with the November 12th Joint LPS/County/City Meeting was discussed. This proposal was forwarded to the County Commissioners for their input. The scheduling will be determined upon receipt of the Commissioners’ input. [The format for such a combining would entail the adjournment of the Joint LPS/County/City Meeting which would give the LPS personnel an opportunity for a graceful withdrawal. Then the County Commissioners, City Council Members’ and the Mayor and his staff would convene as the Common and hold the meeting at the Joint LPS/County/City Meeting site (Eisley Library at 1530 Superior Street) If the combined meeting is not an acceptable alternative, the Common would be held on November 5th.

Mr. Cook asked that the “Open Microphone” rules be discussed. Ms. Ross asked, if before beginning the open microphone discussion, the Council would clarify their desires on the Waiving of the Rules for 2nd and 3rd readings on certain legislation. She asked if Council wanted to discuss that...will it be after the public hearing and at the very start of the voting session? Mr. Cook stated that that would be the very latest that he would want the waiver discussion. He would prefer that it happen at the very beginning of the agenda, with a council member moving that the rules be waived

to “add these items to the end of our Agenda for public hearing.” That way anyone watching would have the most notice that could possibly be given [under the circumstances]. Mr. Cook indicated that his first preference would be to not do this at all, but give proper notice on upcoming agenda items.

Mr. Cook brought up discussion on the Water Fee Issue. He noted this was on Pending right now and Council had indicated their desire to bring it back at the same time that the Impact Fees are being deliberated. Public Works will be giving us a letter on this issue. Mr. Cook asked Council if they would want to continue with that plan, or is there any interest in changing that? If Council were pulling something off pending, Mr. Cook felt the public should be properly and timely informed. With brief discussion, it was determined that the water fee issue would be brought forward at the same time as the impact fee legislation.

The Open Microphone discussion ensued. It was decided that, to clarify the intention of the statement at the end of the Agenda which outlines the items open for discussion, certain wordage changes should be made.

Mr. Camp suggested that since the open microphone is totally at Council’s discretion, they should have a system similar to that which is used in other cities, such as Jacksonville, FL, where they have speaker cards that allow a certain number of minutes for a set period, whether that time is a month, or a year. This would eliminate the monopoly of certain speakers on Council’s time and on the time of other citizens who might wish to make comment.

The Council agreed that the open microphone was a privilege which should not be abused. Council agreed to change the word “scheduled” to “planned” on the Agenda Statement to provide a clarification of items that would be open for discussion. The decision to change wording in the Statement from “and not” to “nor” was left until a later date.

*4. BOARD OF HEALTH (Svoboda) Mr. Svoboda stated that he would like to take a straw poll of Council members to determine whether or not they would be accepting of an ordinance that would add the cat restraint issue in the new animal control ordinances currently being drafted.

Mr. Svoboda reported that the legislation would also involve a number of ordinance changes including the “pooper scooper” law, the rooster issue and the cat issue. He indicated that the cat issue has probably been the most controversial, even though they’ve worked very closely with the various groups that deal with cat issues (Cat Rescue and all the others). Mr. Svoboda stated that he had requested the City Attorney’s Office to put together an amendment that would add the cat restraint clause to the original ordinance (which did not include a cat restraint section).

Mr. Svoboda added that Health Director Bruce Dart has a major concern with the cat restraint issue, primarily from a staffing standpoint. Mr. Dart’s point was that if many people are going to call in with ‘cat running at-large’ complaints, there would be no way to have enough animal control officers to handle the situations. Mr. Svoboda, however, felt at least the individual making the complaint would have something in the law that would state that a person cannot have a cat running at-large. Whether the law is acted upon in strict enforcement, or not, is irrelevant, because we did the same thing with other issues.

Mr. Svoboda explained that the Health Director did not want the amendment made and addressed for a cat restraint law, if it would by chance hold up all of the [animal control] ordinances when it came before the Council. He therefore has requested this straw poll on what everybody’s thoughts were on the cat restraint law.

Council did not reach an agreement that the issue should be included in the amendment with two members stating they felt it should be brought forward for inclusion in the public hearing, two members stating that they would prefer it not be included and one member indicating that he did not have a preference. Ms. McRoy was not in attendance and Mr. Cook directed Mr. Svoboda to contact Ms. McRoy for a tie-breaking decision on whether the cat restraint amendment should be included in the proposed legislation. Mr. Cook and Mr. Svoboda agreed that if the Council decided during the presentation and public hearing that they did not want to approve that portion of the ordinance, it could easily be eliminated.

Mr. Svoboda stated that another issue had been covered at the Special Meeting called last week to hear the Mayor Pro Tem of the City of El Paso, who had been one of the main forces in the total ban on smoking in all public buildings in that city. It was noted that each Council Member in the City of El Paso had two staff members each - two staff members dedicated to each one of the individual members and their needs. Mr. Cook pointed out that the eight Council Members there had a total of 16 staff members. Mr. Cook felt this was interesting.

Mr. Svoboda, veering the discussion back to the topic at hand, stated that he had been asked by several advocacy groups about what the Council's favor might be regarding some type of smoking ordinances for Lincoln - that would be similar to those of El Paso. He indicated that the Board of Health and the Health Department are both working now with the Bar and Restaurant Association to try to convince them that such a ban would be economically beneficial to their business. There are numbers that indicate no decline in profits when smoking is banned because of the savings in such things as cleaning costs. Mr. Svoboda felt that, eventually, the issue would be one covered by OSHA for employee protection rather than a civil concern of the public's right to smoke.

- *5. DOWNTOWN LINCOLN BID ASSOCIATION BOARD OF DIRECTOR'S MEETING (Werner) **No Report**
- *6. C-SIP (McRoy/Seng) **Carry Over to 10-14-02**
7. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (Camp) **No Report**
8. PUBLIC BUILDING COMMISSION SPECIAL MTG (Camp/Seng) **Carry Over to 10-14-02** The report will be given in greater detail at the next "Noon" Meeting, but Mr. Camp did explain that there had been an acceptance of the low bid (\$3.2 million) on the North Parking Lot. The successful bidder is a Lincoln firm (Piedmont Construction).
9. PARKS & RECREATION ADVISORY BOARD RETREAT (Cook) **Carry Over to 10-14-02**
10. COMMUNITY DEVELOPMENT TASK FORCE (Friendt) - **No Report**
11. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) - **No Report**
12. JOINT BUDGET COMMITTEE (McRoy/Seng) **Carry Over to 10-14-02**

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen passed out the EMS Cash Receipts/Expenditure Data and Call Volume Data Reports. Mr. Camp asked, regarding the emergency expenditures, if that covered four or five ambulances. Mr. Bowen indicated that he would have to ask for that information and forward it to Mr. Camp.

Mr. Bowen also informed Council of the upcoming Joint Meeting with the Omaha City Council scheduled for Wednesday, October 30th at 1:00 p.m. at Mahoney Park. Even though Ms. Seng would be on vacation at the time, the date was fixed for October 30th.

Mr. Bowen noted that some issues scheduled for discussion were: Liquor Licenses, State Aid, Storm Water Fees, Gas Taxes, Well Fields, Economic Development Coordination and Impact Fees.

Mr. Werner asked that the meeting be made a luncheon gathering, noting that often the informal discussions at such events can be fruitful. Mr. Bowen indicated that he would discuss that with Omaha. It was agreed to continue with the 1:00 p.m. time and the October 30th date, with Mr. Cook scheduled to act as Chair.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion on Budget presentation for LES - Pre-Council or Informational packet? Council discussed their preference on the information dissemination from LES on both the Rates and the LES Budget. It was determined that the Council would prefer to receive the information in summary packets rather than formal presentations at pre-council meetings. *[LES was notified of this decision on 10-07-02]*

2. Discussion of Information Services' charges and service. (Requested by Jon Camp)
Carry Over to 10-14-02

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook asked if a Pre-Council on the Fire Bond Issue should be set for half an hour. Council agreed that an hour would better serve the Council's need. Mr. Werner stated that it shouldn't be a presentation, but used as a Question/Answer Session.

Mr. Cook asked if Council Members would want to re-consider the Cheney Issue today. He noted that it sounded as though the Mayor would be vetoing the legislation. Mr. Bowen stated that the Mayor had big concerns about it. Mr. Cook stated that he did as well. But he had talked with Marvin Krout about the issue and there will be some changes to the ordinance brought forward...some things have to be changed. Other things....we'll see. After continued discussion, it was determined that the legislation would not be reconsidered, but left to stand. If there is a veto, it will be dealt with then.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Absent

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - Absent at this point of the meeting.

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:15 p.m.

cm100702/jvr