

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, DECEMBER 16, 2002  
Immediately Following Director's Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes of "Noon" Council Members' Meeting for December 9, 2002.
2. Minutes of Director's Meeting for December 9, 2002.
3. Pre-Council Meeting Minutes - RE: Woods Park Ball field - September 23, 2002.

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

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

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS**

1. Discussion - RE: Police & Fire Pension Advisory Committee - Michael Donnelly's fill-in for Ross Hecht expired. He is willing to serve another term - The Advisory Committee would like him to serve another term. - (See Attachment)

**IV. REQUESTS OF COUNCIL FROM MAYOR - NONE**

**V. MEETINGS/INVITATIONS**

1. The start of the 98<sup>th</sup> Legislature, First Session, will be Wednesday, January 8, 2003. This will be the 21<sup>st</sup> year that State Senators representing the Lancaster County area host an opening day reception. We would like you to be our guest. There is no charge to attend, but there will be a cash bar. The reception will be held Wednesday, January 8, 2003, at the Cornhusker Hotel in the Cornhusker Ballroom from 5:00 p.m. to 7:00 p.m. (See Invitation)

2. 2003 National League of Cities Annual Congressional City Conference - March 7-11, 2003 – Washington Hilton Hotel and Towers, in Washington D.C. – RSVP by February 7, 2003. (See Brochure for schedule & cost)
3. Friends of the Commission and the Lincoln-Lancaster Women’s Commission invite you to join us for a “Thank You, Kathy!” - Appreciation Reception in honor of Kathy Campbell on Monday, January 6, 2003 from 4:00 p.m. to 6:00 p.m. at the YWCA of Lincoln in the Georgian Room, 1432 “N” Street – Please RSVP to 441-7716 by Noon Thursday, January 2, 2003. (See Invitation)
4. The Lincoln Chamber of Commerce and Lincoln Partnership for Economic Development will co-host their 2003 Annual Meeting on Tuesday, January 21, 2003 at The Cornhusker Hotel in the Grand Ballroom - This year’s event will feature keynote speaker Chris Wallace, host of ABC’s Primetime Live - The event will start with an 11:15 a.m. reception followed by lunch and the program at Noon - I would be honored if you would attend as our guest - Please RSVP to Tera Pugh at 436-2355 before Friday, January 3, 2003. (See Invitation)
5. Letter of Invitation from District Judge Karen B. Flowers - On Tuesday, December 17, 2002 from 5:30 p.m. to 6:30 p.m. at the Welpton Courtroom, UNL College of Law, the Lancaster County Adult Drug Court will hold its first graduation. I want to personally invite you to be with us for this event. RSVP to 441-7509. (See Invitation)

**VI. MISCELLANEOUS - NONE**

**VII. CITY COUNCIL MEMBERS**

**VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, DECEMBER 16, 2002**  
*CONFERENCE ROOM 113*

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

**Others Present:** Mark Bowen, Ann Harrell, Corrie Kielty, Mayor's Office; Dana Roper, City Attorney; Steve Hubka, Budget Director; Officer Russ Fosler, LPD; 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 December 9, 2002.
2. Minutes of Director's Meeting for December 9, 2002.
3. Pre-Council Meeting Minutes - RE: Woods Park Ball field - September 23, 2002.

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 Jon Camp and the minutes were approved as presented by unanimous consensus of the Council Members present. (Mr. Svoboda was absent for this vote)

Mr. Cook requested Lincoln Police Officer Russ Fosler to come forward to address the issue of the conducting of the public hearing portion of the Formal Council Meetings. Officer Fosler came forward and made the following remarks:

Officer Fosler stated that his main concern regarded security issues. He noted that the public was getting more and more vocal and aggressive -inappropriately so, in his opinion. He felt something needed to be done to take control of the situation. He noted that he could see last week's incident coming, the way people are approaching and speaking to the Council with their demeanor being inappropriate at times. Officer Fosler stated that he would like the public to be well aware that they don't have the right to approach Council or any staff members during the portion of the meeting that is not open for public debate.

Other issues that he had considered were, through the Public Building Commission, making the Chamber more like a court-room setting & having some type of barrier set there, so people would have to go through the one door to testify and they can't get around to see staff unless they break another barrier.

Officer Fosler noted that last week's incident was unfortunate. There has been a lot of focus on an incident that really didn't need a lot of focus. He was afraid that some people might see such behavior as a way to get an extra mile out of things....using Council to get their five minutes of fame. He wanted Council to be aware that the public will become more and more aggressive if something isn't done to take that aggression away from them.

They have a right to be at the meeting, they have a right to speak at the meeting, but they should be doing that at the appropriate time and in an appropriate fashion. Officer Fosler indicated that he needed some guidance from Mr. Cook on how he would like to promote that, since Mr. Cook is the Chair.

Mr. Cook stated that he had a tendency not to use the gavel. He noted that it was like the horn on his car. By the time he thinks to use the horn, the danger is passed. It's not something he goes for immediately. He stated that the distinction noted between the public hearing session vs. the voting session was a good one. There are people...such as attorney's or applicants...who are there for a particular item who may need discussion with staff in order to work some issue out. If it is the understanding that it is with our blessing and that is what we've directed to happen, then that's okay...we expect that some discussion may be necessary.

Officer Fosler noted that at that point in time, staff is looking for that person to come to them. Mr. Cook agreed, but if it is outside the public hearing session, he felt people should not be going to staff during the meeting. They should wait until after the meeting to discuss their issues with the departmental staff.

Officer Fosler indicated that it should be the same within the public hearing portion of the meeting. The public should be addressing Council, not staff members. Council are the ones [inaudible]. You will get the answer from staff and pass it on to them. Mr. Cook stated that they've tried to do that to a certain extent to prevent a back-and-forth debate. We usually try to take the questions and then have staff come forward at the end of the discussion with answers.

Mr. Cook asked if there were any other thoughts on this issue. This incident was rather unexpected. He noted that if he had known that there should have been some rule in force, he would have brought it out at that time. Officer Fosler stated that his thought is that there are citizens who are getting more and more aggressive and behaving more and more inappropriately. They are there for the meeting, and if they're brought back in....they must behave appropriately.

Mr. Werner commented that the Council meeting should be conducted on a more formal level, with Council members insisting that they be addressed as "Council Person". He felt Council Members should demand being treated respectfully and should not put up with the abuse that is being directed at them. This discussion continued with Council discussing ways to re-gain control of the meetings and enforce a more formal and decorous atmosphere without inhibiting public participation in the public forum. Sign-up sheets; posting rules of conduct during the meeting which would include rules of procedure; disallowing interaction with staff during the meetings without Council's formal consent; whether topics should be censored if the speaker goes off on a tangent were all discussed.

Officer Fosler noted that no matter what topic is under discussion, the speakers should not be allowed to address Council Members with disrespect. If a speaker wants to behave in a manner appropriate for a public forum, fine; but if he chooses not to behave in such a manner, he needs to be brought back into the realm of what is and what is not appropriate.

It was suggested that changes in the opening comments might outline these concerns in an effective way. Ms. McRoy didn't want to put up barriers that would intimidate the average person and might deter citizens with real concerns from coming before the Council. It was noted that Council is conducting City business and there needs to be a level of decorum in which an effective environment for proceeding with that business can be maintained.

It was agreed that starting with the January 6<sup>th</sup> meeting they would have some new opening comments. It was agreed to add a warning sentence even in today's meeting, to protect against the possibility of someone coming forward today to see how far they can push their comments and behavior. Officer Fosler stated that he would hate to see that happen.

It was noted that some of the problem speakers might be hard of hearing and there were small individual head-phone amplifiers available, which, it was agreed, would have to be offered with sensitivity in order to avoid offending anyone.

The question was raised as to whether or not the public microphone portion of the meeting had to be televised? Mr. Roper stated that right now that segment is still part of the meeting; and under the franchise, we televise the meetings. He thought there would be a tough time not televising that, but he would investigate further and see what the possibilities might be.

Mr. Cook stated that he would put together a new opening statement that would address not talking to staff without permission of the Council, and taking private conversations outside. He stated that he was not excited about guidelines on how the public must address the Council Members, but noted that if someone became particularly outraged, he might say something to them; but if someone just wants to come up and say we're doing dumb things...they have the right to do that.

The head-phones are something that could be mentioned in the statement. [These were found and are available in the Council Chambers]. Mr. Friendt noted that perhaps simplifying the wording of the opening statement - replacing "decorum" with "courtesy and respect". Ms. Seng noted that she also like Mr. Camp's suggestion of having the Rules of the Council" posted at the entrance to the Chambers, or on the easel which sits in the Chambers.

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

1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that the parking facility had been discussed. She stated that B&J would be taking the billboards. Mr. Cook asked if they would be moved to another site? Ms. Seng answered that she was not sure. Mr. Camp noted that B&J would like the option to do so, but nothing has been agreed to at this point. Ms. Seng noted that that would not be a decision of the Building Commission. Mr. Cook noted that under the billboard ordinance, they had that right.

Ms. Seng commented that the Building Maintenance Division was looking at buying a power sweeper for the downstairs area of this building and for the new parking garage's concrete floors.

There had also been a brief discussion on the vending operations. and café proposals. There had been five proposals sent in and a committee has been appointed to do the interviews. She noted that Mark Bowen and Linda Wilson, plus staff, would be involved in the committee's work. It was noted that Valentino's contract would expire at the end of January.

The space-heater policy had been modified a bit, regarding the tip-over/shut-off policy. There is still a great deal of concern about the number of space heaters within the two buildings. Ms. Seng thought the Directors would be notified, so there will be a notice coming from Don Killeen from PBC.

On the aquarium policy, a notice will be sent out, even though we don't know exactly what guidelines should be drawn up. There were questions of liability and equipment damage in case of leaks.

Ms. Seng reported that they had also discussed the draft copy of the Master Plan. PBC had gone through a review and had noticed that there was no mention of the old Election Commission building. This Master Plan will be the guide of how we proceed. Mr. Friendt asked if these would be available to Council. Ms. Seng noted that this was just the draft and copies would be made available when the final plan is drawn up.

Ms. Seng reported that they had approved payment vouchers. The Planning Department had requested mini-blinds for their hallway windows and had been told no, because it had been “no” to everyone else.

Ms. Seng stated that the “K” Street Storage Facility ownership had been reviewed. Mr. Camp explained that that had been in regards to the ownership of the “K” Street Complex. It had still been under the City, but should have been under PBC authority, so they paid \$.50 per building to get the dollar back which they had originally paid the County for the facilities.

Ms. Seng explained that there was no Arts Committee yet, so we still have “the head” upstairs. She noted that they had hoped that they might be into some *new* artwork,

Mr. Cook asked if there would ever be a monitored replaced in the Council Chamber, noting that the PBC would be in control of that. Neither Ms. Seng, nor Mr. Camp knew when that might be done. Mr. Cook still felt the flat-panel monitors were being improved so he would like to have those reconsidered for installation on the dias. Mr. Camp indicated that he would see that this consideration was re-visited.

2. MULTICULTURAL ADVISORY COMMITTEE (McRoy) In interest of time - No Report
3. PRT(Seng) No Report
4. BOARD OF HEALTH (Svoboda) No Report

**OTHER MEETINGS:** - Ms. McRoy explained that she had gone to the Indian Center meeting. She noted that she was rather burdened by the Indian Center happenings of last week. The Director has resigned. Ms. McRoy had talked with other community people who had come to the meeting who had storied allegations of what had happened in reference to various firings and the issues of fairness in those incidents. She noted that she would like to have someone meet with the Mayor in the upcoming weeks to air out what is going on there. She noted that they have a petition to remove the whole Board of Directors. Ms. McRoy stated that this really concerned her when that many community people want to remove the entire Board of Directors. She didn't believe this would be similar to the Malone Center problems, but she wanted Council to be aware of what is going on.

Ms. Seng reported that the Malone Center had held a marvelous meeting the other night, noting that they had come through their difficult period and still have a long ways yet to go, but...they've made great strides. They had reduced the debt by nearly half. They're really working to get back on track.

### III. APPOINTMENTS/REAPPOINTMENTS -

1. Discussion - RE: Police & Fire Pension Advisory Committee - Michael Donnelly's fill-in for Ross Hecht expired. He is willing to serve another term - The Advisory Committee would like him to serve another term. - (See Attachment) Council agreed to recommend the reappointment of Michael Donnelly. The City Clerk was notified and has placed the resolution on the January 6<sup>th</sup> Agenda for introduction with Action and Public Hearing on January 13th.

IV. **REQUESTS OF COUNCIL FROM MAYOR** - Mr. Bowen called Steve Hubka, City Budget Director, forward for discussion of the Council Members' Budget Retreat which is to be held Thursday, December 19<sup>th</sup> from 12:30 - 3:30 p.m. in the Mayor's Conference Room. Mr. Bowen stated that this was the last opportunity to visit with Council before the Thursday meeting to make sure everyone is still looking for the same format for the meeting. He reiterated Council's request to have this meeting reflect a philosophic discussion on the budget process and a forecast of budget related issues. Council agreed that that had been the thrust of their concerns for this meeting.

Discussion included issues that Council would like to have addressed at the meeting, the forecast personnel budget requests of the Departments and the lack of funds to implement all of those requests; the ramifications of union negotiations and merit increases on the budget process; revenue sources and revenue growth; the City's cash reserves; the possibility of moving the meeting to Conference Room 113. Staff checked on that possibility and found that Room 113 was reserved for the time needed, so the meeting would be held in the Mayor's Conference Room, as scheduled.

The Council Members were encouraged to get any other issues to the Budget Director prior to tomorrow afternoon for inclusion on the Budget Retreat Agenda.

V. **MEETINGS/INVITATIONS** - Noted Without Significant Comment

VI. **MISCELLANEOUS** - None

Chair Cook requested that the Security Study Committee Membership be placed for discussion at the next "Noon" Meeting Agenda.

Mr. Cook also requested that the possibility of a Pre-Council on Time-Warner be placed on the next "Noon" Meeting Agenda as well. Mr. Camp stated that he would be inclined to have representatives from Time-Warner included in such a Pre-Council, along with the City Attorney's Office in order to have a face-to-face interaction regarding Time-Warner's rationale on rates and policies. Council agreed that that would be a good plan. Mr. Cook thought he would talk with the City Attorney's Office (Steve Huggenberger) before scheduling such a dual interaction. Council discussed briefly all of the issues of concern that constituents had brought to them regarding the cable company.

Mr. Cook asked if Council wanted to take each amendment on the Impact Fees legislation on today's Formal Agenda one at a time. It was agreed that this would be the best procedure. There was a brief discussion regarding the impact fees

VII. **COUNCIL MEMBERS** -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Ms. McRoy stated that, regarding impact fees, going down the line with all the amendments, maybe Council Members could constrain themselves to not go back and forth in debate over the issues. Ms. McRoy also thanked Mr. Svoboda for bringing the wonderful cheese-cake, noting that it was delicious. .

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Mr. Werner addressed Mr. Camp and admonished him for his nomination of Mr. Werner to Chair a certain committee. He felt, even though he knew Mr. Camp's intentions had been noble, he would like to think if someone were going to nominate him to chair a committee that they might talk with him ahead of time. He felt it puts people on the spot, and is actually a little rude.

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORRIE KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12.50 p.m.

cm121602/jvr