

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 16, 2004
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Directors' Meeting of August 2, 2004.
- *2. Minutes from Council Members' "Noon" Meeting of August 2, 2004.
- *3. Pre-Council Meeting Minutes - RE: 2004-05 Budget Discussion - August 2, 2004.
- *4. Pre-Council Meeting Minutes - RE: City Council Vote On Tentative Changes To 2004-05 Budget - July 19, 2004.

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

- *1. Lincoln Partnership for Economic Development Meeting (Werner) - **NO AUGUST MEETING**
- *2. Parks & Recreation Advisory Board Meeting (Cook)
- *3. Community Development Task Force Meeting (Friendt)
- *4. Joint Budget Committee Meeting (McRoy/Werner) - **NO AUGUST MEETING - NEXT MEETING SEPTEMBER 17TH.**
- 5. Public Building Commission Meeting (Camp/Cook)
- 6. ISPC Meeting (Camp)
- 7. Multicultural Advisory Committee Meeting (McRoy) - **AUGUST MEETING CANCELLED**
- 8. Downtown Action Team Meeting (McRoy)
- 9. Board of Health Meeting (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MEETINGS/INVITATIONS

- 1. The County of Lancaster, Nebraska - Invites you to a recognition for Doug Ahlberg, Lincoln/Lancaster County Emergency Management Director and all volunteers, governmental agencies and businesses which responded to the May 22, 2004 disaster relief effort on Tuesday, August 24, 2004 in Room 112 at 1:30 p.m. - Join us for refreshments beginning at 1:00 p.m. in Conference Room 113 - RSVP to Mary at 441-7447 by August 20th. - (See Invitation)

2. Updowntowners Membership Luncheon on Thursday, August 19, 2004 from 11:45 a.m. to 1:00 p.m. at Windsor Stables, 1024 "L" Street - Cost \$15.00 - RSVP to Rachel Svoboda at 434-6507 by Aug. 17th -No shows will be charged - (See Invitation)
3. Girl Scouts-Homestead Council invites you to visit us five years after the dedication of Kimmel Lodge on September 12, 1999. Join us at CATRON - Camp and Retreat Center on Sunday, September 12, 2004 from 2:00 p.m. to 5:00 p.m., Short Program at 3:00 p.m. - (Save The Date! Card)
4. North 14th Street - Public Information Open House - Preliminary Design Nearing Completion For Roadway Improvements - on Tuesday, August 17, 2004 from 5:30 p.m. to 7:30 p.m. at Goodrich Middle School, 4600 Lewis Avenue - Formal presentations will run at 5:45 p.m. and 6:45 p.m. - (See Invitation)
5. Lower Platte River Corridor Alliance (LPRCA) Meeting on Tuesday, August 17, 2004 at 9:30 a.m. at the Papio-Missouri River Natural Resources District in Omaha, 8901 S. 154th Street (located at the Chalco Hills Recreation Area-take Sapp Bros exit on I-80) - (See Invitation)
6. E-Mail Invitation - Town Hall Meeting #2, September 7, 2004 at The Loft At The Mill from 4:00 p.m. to 6:00 p.m.- Please come and join in the discussion and review - (See Invitation from Josh Berger)
7. Informational Meeting - Beal Slough Streambank Stabilization on Tuesday, August 17, 2004 at 6:00 p.m. at Bess Dodson Walt Branch Library, 6701 South 14th Street - (See Invitation)
8. Madonna Rehabilitation Hospital Board of Directors invites you to attend the 10th Annual Chairman's Goal Awards Luncheon on Wednesday, September 15, 2004 from Noon to 1:30 p.m. at Embassy Suites Hotel, Regents Ballroom, 1040 "P" Street - Cost \$25.00 - RSVP by Sept. 7th using the enclosed card - (See Invitation)
9. Community Services Fund and its member agencies invite you to experience Zoo-Fari on Thursday, September 9, 2004 (rain or shine) from 5:30 p.m. to 7:30 p.m. at Folsom Children's Zoo & Botanical Gardens, 27th & "B" Streets - Cost is FREE - RSVP by Sept. 2nd - (See Invitation)
10. Community Alternatives Nebraska Adult Day Service - Open House - on Wednesday, August 25, 2004 from 9:00 a.m. to 11:00 a.m. - at 4827 Pioneers Blvd., Suite C (in the back) - (See Invitation)

11. Teamwork - Nebraska Power Association 2004 Annual Conference - September 28-29, 2004 - Hastings Holiday Inn & Convention Center, 2205 Osborne Drive East - Hastings, Nebraska -Need to RSVP - (See Attached Brochure for more details)

VI. MISCELLANEOUS -

- *1. Council Appointments - There are Four Boards/Committee Terms of Council Members that will expire in August. (See the attached sheet for Committees & Members whose terms will be expiring). Please nominate re-placements for these positions so the Appointment Resolution Process can begin.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM AUGUST 9, 2004.**

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MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 16, 2004
CONFERENCE ROOM 113

Council Members Present: Ken Svoboda, Vice-Chair; Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman; *ABSENT:* Terry Werner, Chair

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

I MINUTES

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In the absence of Council Chair Terry Werner, Vice-Chair Ken Svoboda presided at the Council Members' "Noon" Meeting. Mr. Svoboda requested a motion to approve the above-listed minutes. Patte Newman moved approval of the minutes as presented. Jonathan Cook seconded the motion which carried by unanimous consent of the Council Members present.

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

1. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (Werner) - NO AUGUST MEETING

*2. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that he had come under some heat at the meeting due to some of the changes that have been made in the City Budget. However, since most of those budget issues have been resolved in the final budget, most of the concerns have been addressed. He commented that, obviously, we have some tough budgets ahead for Parks as we do for Roads with the Antelope Valley project. We'll have to figure out how we'll deal with that in future years.

The YMCA Board Joint Recreation Planning Report was discussed. [Mr. Cook had copies of the report for Council Members if anyone wished to see them. He learned that the Council had already received copies at the 7:30 A.M. Joint LPS/City/County Meeting held August 2nd - which Mr. Cook had not attended. Mr. Cook observed, then, that he had received his update at a more acceptable time].

Mr. Cook continued his report, noting that the regular Board Agenda had been addressed as well. Under this portion of the meeting, the Golf Committee Report's over-all assessment is that "Life is Good". The Rounds and Revenue were up 5%. There have been no alcohol violations because of the City Council's allowing alcohol on the courses. There had been no problem with the water bottles being removed.

The "Bump and Lump" sculpture is being moved to the north end of the Centennial Mall where the fountain has been filled in. - in front of the Historical Society area. The current location of "Lump & Bump" will become a Government Square Park. They will be putting in sidewalks in an "X" fashion and in the center of that tiny park will be a little water feature that is supposed to be reminiscent of the artesian well that was once there. This is the 125th Anniversary of Old City Hall. The park plan looks neat and Mr. Cook thought there would be an opportunity for that to be unveiled later at the Anniversary celebration of Old City Hall.

Mr. Cook further reported that they had accepted the Near South Park. The actual change-over of the deed was accomplished this week-end. The last item was concerning an educational foundation that had wanted to acquire all of the Parks architectural remnants such as capitals from columns, etc. We denied that, choosing to keep those in the Parks system and catalogue them. Mr. Cook felt this was probably an appropriate decision - many of these things are really of great historic value. We're going to be doing some more research on them.

Ms. McRoy asked if the Parks & Rec Board didn't handle the art donations that are intended to be displayed on public space. Mr. Cook answered that they do. Ms. McRoy asked if they had approved the art piece currently under consideration by the Council. Mr. Cook explained that that particular object would not be displayed in Parks land - so they don't necessarily approve all art work donations, but only those to be displayed on Park land. He asked where the current art piece was going to be placed? It was noted that it would be placed on the northeast corner of 12th and "P" Street. Mr. Cook explained that the PRAB did not vote on that particular piece of art because its placement was not on Park land.

*3. COMMUNITY DEVELOPMENT TASK FORCE (Friendt) Mr. Friendt was unable to attend.

*4. JOINT BUDGET COMMITTEE (McRoy/Werner) - NO AUGUST MEETING - NEXT MEETING SEPTEMBER 17TH. Ms. McRoy commented that the only thing that is in on-going discussion is 'Family Services'.

5. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Cook reported that they had held the public hearing on the budget - exciting, as always. He believed that no one had shown up for it. So, the regular agenda was addressed at the meeting. The Health Department expansion was discussed with the notation that it was "on budget" - so far.

The Council Monitor Update: They chose to go ahead with the preferred "big monitor". There had been some complaints about the small monitors being in front of people's [line of vision]. There will be one small monitor to replace the large one out front for the ELMO presentations. It has as much screen space as the bigger monitor and we can see over it more easily - so that will be nice. Initially, we'll put these end monitors on carts so we can shift them around and see where they're most effective for us.

The Parking Update: The gates will go on-line the Tuesday after Labor Day - September 7th. Mr. Cook noted that Council Members will be able to get an automatic vehicle ID system. The cards that we have don't work with the big sensor. They would have to be pulled out of your wallet or you'd have to actually hold your wallet up to the sensor. If you actually want to go through (slowly) without stopping, you would need to get "the thing" for your dash board. We're not sure how flexible it is, but those things cost \$25.00 apiece. Mr. Cook stated that Mr. Camp had brought up the good suggestion of making people pay a deposit, because these can all be re-used. So, with a \$30.00 deposit for those and a \$10.00 deposit for the I.D. cards....then you can have as many as you want, so if you have multiple numbers of cars, nobody will worry about whether you have a vehicle ID permit. Mr. Cook didn't know who would be coming to us about that, but he thought each Council Member currently has a card that will allow entry, but he didn't know when they would be updated on the automated access devices.

Mr. Cook reported that Larry Hudkins was re-elected Chair; and Linda Wilson - Vice-Chair. He noted that the insurance coverage needs to be revised. We gave a go-ahead after the "K" Street flood revealed that we had some strange over-lapping of City and County insurance coverage which needed to be coordinated better in order to make it clear who covers what buildings. So, that's being checked into.

He reported that Steve Beal of the Health Department had come in to give a presentation on the Automatic External Defibrillator (AED) project. Two have been donated to the City; one for the Hall of Justice and one for the County/City Building. The Lied Center already has one. The concern is, as Dana explained, that the Good Samaritan Law was passed some time ago. A more recent law was passed for AEDs which says only trained personnel can use them. That means, basically, that if someone un-trained uses them and someone dies, they really may be liable. So, we're going to put this in a spot where it is not too readily accessible by the public, but people in this building would know where it is and then we'll have people who are trained to operate the machine in the building. That would be the only way we could use them at this time. We're hoping that, at some point, State Law will be changed to allow the Good Samaritan Law to cover these, because - apparently, they are fairly fool-proof in comparison to a lot of other things people try to do.

Mr. Cook noted that it had been pointed out that there are lawsuits in other states where places didn't have AEDs in place; and the lawsuits were successful against locations where it was felt the AEDs *should* be in place and they didn't have them - an indication that either way you go, you're at risk. So, it seems we should accept these, but just be careful about who can use them.

Mr. Camp added that they had, essentially, decided to put them in semi-restricted places. Mr. Roper stated that that was correct, because the AED is not the end of the resuscitation effort. Once the person has been defibrillated, then some sort of resuscitation efforts must be continued. That is why, specifically, the Good Samaritan Laws for AEDs say you have to be trained, or certified to do this - because the AED use is only the beginning of the process. That's why we need to be careful, because if we put them everywhere and make them available for anyone to use, the City would get sued for having them there for untrained personnel.

Mr. Cook asked if Joan Anderson from the Lancaster County Medical Society hadn't said that all people who are trained in CPR today will also get training in the use of AEDs as well. Mr. Roper commented that she had and had also stated that they will maintain these machines. We have to follow-up with that and get it clarified and in writing. The discussions revealed that there are many legal ramifications with the use of the AEDs.

6. ISPC(Camp) Mr. Camp did attend this meeting. He noted that it is interesting to visit with Doug Thomas and Staff. Doug is always so precise, and with all the long agendas and all the projects they're working on - it's a good thing. The next meeting will be held at I.S. so we can see the renovations paid for by the PBC.

We reviewed a lot of the projects they're working on and the status of those projects. They're connecting various City facilities with fiber optics. Doug was thankful that they hadn't had any other budget cuts.

7. MULTICULTURAL ADVISORY COMMITTEE (McRoy) - AUGUST MEETING CANCELLED

8. DOWNTOWN ACTION TEAM (McRoy) Ms. McRoy stated that most of the Council Members know about the process. She reported that the meeting had been well attended with about 300 people there. There was a presentation by the consultants on all three divisions. We're moving forward. She noted that all the Council Members should have received an e-mail from Kent Morgan regarding the State [inaudible] Survey for each of us to fill out which will then be sent to the Downtown Action Team.

Mr. Camp stated that one of the surprising things he noted from the exit interviews they had completed was that on parking issues - the parking itself wasn't an issue, but the perception of parking was the problem. People are starting to say that we just need to learn that in retail areas parking will not be "front door" parking. Mr. Cook asked if parking continues to be an issue because of the *perception* problem, is there any talk of advertising more? He asked if there had possibly been some discussion in this regard already?

Mr. Camp commented that during the committee brain-storming session, it was noted that people from out-state, where space is limitless, have expectations of parking right at the front door....no matter where you go in the country that is an issue...the perception of people that they should have parking right at the entrance to their destination site. They were also talking about parking garages not being friendly - without the first floor retail space.

Ms. Harrell commented that the parking study that had just been initiated was a good example of the complicated aspects of parking. This is primarily a land use project- so when you talk about how do we market our parking and how do we manage that aspect of it...that is going to come more from this parking study. This latest study is more related to management and over-seeing the systems and how they might be marketed. We may see recommendations on how to make the garages as "friendly" as possible.

Discussion continued briefly with the notation that it would be interesting to see what options are brought forward. The Downtown Shuttle was also discussed briefly with mention of cooperation with the University in student transport and the transport of residents living in the areas near the Capitol Building.

Ms. McRoy added a side-note about the tour of downtown Lincoln that the consultants had taken a few days prior to the meeting. They had noted that some of the buildings in the area were just blank sheets of concrete with old-fashioned reflective windows. It was interesting to hear their take on some of the downtown buildings that were not pedestrian friendly or were just poorly designed.

Mr. Camp added that the window treatments, which are energy efficient, may be unfriendly to pedestrian traffic and aesthetically displeasing.

9. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that they had heard several reports, including the Mayor's Task Force on Health Care for the Homeless. We talked about the environmental public health issues. We basically got the same report on the West Nile Virus that Mr. Dart had given just a couple of minutes ago at the Director's Meeting.

OTHER MEETINGS - Ms. McRoy asked if anyone had attended the Chamber's meeting where they released the report on the Convention Center last Tuesday? Mr. Camp reported that he had attended. He reported that basically, it's still preliminary. They had not made recommendations *per se* - they're still looking at the sites and traffic impacts.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - None

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

*1. Council Appointments - There are Four Boards/Committee Terms of Council Members that will expire in August. Please nominate replacements for these positions so the Appointment Resolution Process can begin. - Council Members determined that the current members of the various committees whose terms would be expiring in August would continue in their roles of Council representatives on these Boards and Committees:

RTSD - Glenn Friendt, Jonathan Cook, Ken Svoboda

PBC - Jonathan Cook

JBC - Annette McRoy

Utility Billing Check-Off Program Board (Lincoln Cares) - Terry Werner

Resolution requests for reappointment will be forwarded to the City Clerk for placement on Council's formal agenda.

Mr. Cook remarked that he would like to add a few words about the new chairs. He noted that they had arrived, but there was some question about whether or not they should be signed for on delivery, because there were a lot of defects....fabric that was frayed and torn, indentations in the arms - brand new chairs. So, the shipping papers were signed with the notation that they were received, but not necessarily accepted. The fabric isn't the same as the chairs in Room 113 - the color is different; the seat angles are different. Where these [chairs in Room 113] are perfectly comfortable, and, even though those looked the same, looked like the same design, with the same manufacturer....the new chairs are definitely built a little differently. Mr. Cook surmised that they must have out-sourced the manufacturing of these in the last few years. There is a chair in the County Board Office for Council Members' inspection.

He noted that this was just a disappointment. We thought we were making a safe decision, because we were used to these chairs - but that's not what we got, so... Mr. Cook had talked to Don Killeen and he had indicated that he'd received other negative feed-back from people. So the saga of 'the chair' may not be over. This is just an FYI report - no action required.

Discussion continued briefly with no further determination being made.

Council, at this point, continued further discussion on the smoking resolution which had been brought forward at the Directors' Meeting earlier this morning. Mr. Svoboda stated that he was comfortable with the ballot language on the issue, though, he noted, others obviously don't feel that way.

Ms. Newman asked if Mr. Roper had heard from anyone else on this ballot language. She stated that when shown the language several different individuals didn't get it. She hoped that people would understand exactly what they're dealing with on the ballot.

Mr. Roper commented that the democratic system was premised on an educated electorate. The details of consequences are not laid out in the ballot language. We don't put "consequences" on any of our ballot issues. It was agreed after discussion that the media [and the Journal Star's "Voters Guide" always does an exemplary job of putting the issues before the public in a factual, unbiased format] would educate the voter on the consequences of the votes. Council's duty at this point was to put the issue on the ballot. The general consensus of the Council Members was that they were comfortable with the wording as it stood and they would approve it.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Ms. McRoy commented on the Highlands development issue on the agenda today. She noted that she would be supporting the neighbors who held reasonable objections. She stated that the majority of people who had contacted her were opposed. It was noted that the property owner who had the permitted use had the right to develop it. The merits of the waivers and conditions, as well as the developer's rights were discussed briefly. Mr. Cook noted that if staff needed time to prepare answers to the concerns expressed, the item might be delayed one week.

Ms. McRoy reiterated that she would be voting against the project only because of the *reasonable* opposition from the neighbors - eliminating the unreasonable expectations of a minority in the community from her consideration of the issue.

Mr. Friendt commented that this is one example of what people mean when they talk about it being tough to do business in Lincoln. Think about this....you're a developer who has a permitted use; you've worked closely with the Planning and Parks Department to get waivers to make it look better and to make it the best it can be - and thirty neighbors whose property is on the back side can completely over-turn the project. He noted that he, not facetiously, tells developers who talk with him about projects in Lincoln, that what they have to do is go to the neighbors first and see whether they agree to do anything, because it's.... Mr. Cook commented that this is not something exclusive to Lincoln. Any city may have neighbors who might be upset about projects. Mr. Friendt commented that it is unique to Lincoln when the leadership bends to that pressure - when we have a Comprehensive Plan and Zoning Laws and all these things have been taken into account [when considering a development] - yes, that is unique.

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Absent

MARK BOWEN - No Further Comments

ANN HARRELL - Ms. Harrell had left the meeting at this point.

DANA ROPER - Mr. Roper distributed material to the Council Members and explained that the material covered the pan-handling ordinance. He explained that Chicago has a class-action suit on its pan-handling ordinance that is apparently going to cost them a large amount of money. We changed ours and so far its avoided and kept us out of our situation. We'll have to defend the merits of the ordinance, but we feel good about being able to do that. Council's action helped the City greatly in getting out of a tough situation.

VIII. MEETING ADJOURNED - Approximately 12.16 p.m.

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