

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 13, 2004
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Directors' Meeting of August 23, 2004.
- *2. Minutes from Council Members' "Noon" Meeting of August 23, 2004.
- *3. Pre-Council Meeting Minutes - RE: Final Changes To 2004-05 Budget - August 11, 2004.

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

- *1. PRT Meeting (Newman)
- *2. Citizen's Meeting (Newman)
- **3. Parks & Recreation Advisory Board Meeting (Cook)
- **4. Downtown Lincoln BID Association Meeting (Werner)
- 5. ISPC Meeting (Camp)
- 6. RTSD Meeting (Cook/Friendt/Svoboda)
- 7. LPED Investors' Meeting (Werner) - **SEPTEMBER MEETING CANCELLED**

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MEETINGS/INVITATIONS

- 1. E-mail invitation from Mike Eckert, inviting Council Members to the dedication of the Stephen C. Schleich Park in Northridge Heights on Wednesday, September 8th at 4:00 p.m. (Park is located at Intersection of Ridge Park Drive & North 34th Street)
- 2. The Responsible Hospitality Institute will hold its 2004 Networking Conference-Working Together for Safe & Vibrant Places to Socialize on November 7th-9th, 2004 - at the historic Radisson Plaza-Warwick Hotel Philadelphia -(See E-Mail Invitation for more details)

3. Lincoln Action Program - 40th Anniversary Celebration - would like to personally invite each of you to be an honored guest at the celebration - The Reception on Thursday, September 30, 2004 - At The Embassy Suites (downtown Lincoln) from 4:00 p.m. to 6:00 p.m. - with a short presentation scheduled to begin at 5:15 p.m. - RSVP to Ann Ames at 471-4515 or by E-Mail - (See Invitation)
4. Lincoln Chamber of Commerce -VIP Reception to celebrate & honor Lincoln's new Superintendent of Schools, Dr. Susan Gourley, and J.B. Milliken, President of the University of Nebraska at Lincoln - on Wednesday, September 29, 2004 from 5:00 p.m. to 6:00 p.m. at Lincoln Chamber of Commerce, 1135 "M" Street, Suite 200 in the Lincoln Room - RSVP by Sept. 22nd to Joan Spath at 434-5336 or by E-Mail - (See Invitation)
5. ALN Medical Management Expansion and Ribbon Cutting on Friday, September 17, 2004 at 11:00 a.m. - at ALN Medical Management, 4433 South 70th Street - Lunch will be served at 11:30 a.m. - RSVP by Sept. 10th to Terri Tenopir at 437-7873 - (See Invitation)
6. 2004 Nebraska Economic Forums - Omaha Branch Federal Reserve Bank of Kansas City - Forum in Lincoln on Wednesday, October 6, 2004 at the Embassy Suites Hotel - (The Program, Registration at 5:30 p.m. - No charge to attend, but registration is required, Please see the enclosed registration information RSVP by Sept. 27th) (See Brochure for more details and RSVP form)
7. NAACP Freedom Fund Banquet, 2004 (Theme) Brown 50 Years and Beyond: Promise and Progress - Rev. Nelson B. Rivers, III, Chief Operating Officer of the NAACP - on Saturday, November 13, 2004 - Social at 6:30 p.m. - Program at 7:00 p.m. - at The Cornhusker Hotel - Banquet tickets: Adults \$35.00 - Please sent ticket RSVP form & payment by Oct. 22nd - (See Invitation)
8. Updowntowners 2004 Annual Recognition Luncheon on Wednesday, September 29, 2004 from 11:30 a.m. to 1:00 p.m. at Embassy Suites Hotel - \$15.00 per member/ \$20.00 per non-member - RSVP by Sept. 24th to 434-6507 - (See Invitation)
9. The Lincoln Children's Museum 15th Anniversary Crystal Ball on Friday, October 15, 2004 at The Rococo Theatre, 13th & "P" Streets - 6:00 p.m., Reception & silent auction begins - 7:00 p.m., Dinner followed by live auction & special presentation - Cost \$125.00 individual seats - RSVP by Oct. 1st - (See Invitation)

VI. MISCELLANEOUS - (Continued on next page)

- *1. Discussion regarding cigarette butts around County-City Building -5 minutes. (Requested by Terry Werner)

- *2. Discussion regarding attached subscription-(See Attachment)
3. Discussion regarding Photocopy Procedures for Council Packets.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM AUGUST 30, 2004.**
****HELD OVER FROM SEPTEMBER 6, 2004.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 13, 2004
CONFERENCE ROOM 113

Council Members Present: Terry Werner, Chair; Ken Svoboda, Vice-Chair; Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman; *ABSENT:* None

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

I MINUTES

1. Minutes from Directors' Meeting of August 23, 2004.
2. Minutes from Council Members' "Noon" Meeting of August 23, 2004.
3. Pre-Council Meeting Minutes - RE: Final Changes To 2004-05 Budget - August 11, 2004.

Mr. Werner requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes as presented. Annette McRoy seconded the motion which carried by unanimous consent of the Council Members.

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

1. PRT (Newman) Ms. Newman reported that the PRT went through about 10 cases. She pointed out that currently, out of the ten, one had been prosecuted through the courts. Two were going to be prosecuted - for one there was a court date and one had a sentencing date. She noted that some of these cases don't just quietly resolve themselves, they do need judicial follow-up.
2. CITIZEN'S MEETING (Newman) Ms. Newman reported that at the Citizen's meeting there had only been about 10 people present. Terry Uland came and reported on Neighborhoods, Inc. and all the programs with which they're involved. It was a great and very informative program and Ms. Newman felt it was rather disappointing that more people hadn't shown up.
3. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that the Parks & Recreation Board had received a presentation from the Witherbee Neighborhood Association with input from the Park Neighborhood Association at 40th & "A" as well. They gave a very impressive presentation for the creation of a small park near 40th and Randolph, which the City had turned down for the Randolph Square development. Apparently the property owner there is interested in perhaps selling his land for use as a park. The money from the sale of the Woods Park land for the Health Department [expansion] would help pay for that. Mr. Cook noted that there is still a lot more discussion to be held and many more opinions to be considered. There will be a committee meeting to discuss this and then, it

would come back to the Park & Rec. Advisory Board. Ultimately, this may come before the Council because in deciding whether or not the Woods Park money is used to buy park land here or someplace else...there isn't really anything specific in the CIP...the City Council would have to approve any of those expenditures.

Mr. Cook commented that there had been discussion on how to renovate Pinewood Bowl. There was an understanding, regarding the alcohol issue - which was very controversial last time, that alcohol sales is not a way to get more folks into the Pinewood Bowl. There may need to be some improvements to allow the existing, current performances to go and expand a little. Mr. Cook was not sure that there would be a chance to bring some major performances in there from out-of-state.

Mr. Cook reported that there are still discussions, under a formal working committee, on potential long-term funding sources for the Parks Department.

He noted that the Stephen C. Schleich Park dedication had been *very* nice. There is more than the manicured area of the park - there is a wetlands area near the creek which goes way out for an expansive view with natural vegetation that makes for a pleasing contrast and provides a very nice setting.

Mr. Friendt felt the City Council was not attuned with the [neighborhood parks] issue and felt it would behoove the City to have a City-wide GIS look at where parks are currently located and who has access and how far away that access is to the neighborhood. He noted that one neighborhood association lobbying the Council should not hold such sway. Mr. Cook responded that one of the discussion issues here is whether or not we should be [inaudible] It is one thing to sell park land - it's another to use the money from the sale of that park land to buy land at 134th & "A" - as opposed to keeping it somewhere in the [City's] core where there may be a need. That's the kind of a policy that the Council needs to think more about. There are a number of maps and in looking at those maps, the Parks Department was shown that a park area could be justified in this particular area.

Mr. Friendt commented that on the outer edges - aren't we requiring the developers to donate the land for parks? Mr. Cook answered that for community parks the City still has to put together the money to buy those, noting that we're only collecting impact fees for small neighborhood parks.

4. DOWNTOWN LINCOLN BID ASSOCIATION MEETING (Werner) Mr. Werner reported that he had missed the meeting, but they had Kent Seacrest there to make a presentation on Antelope Valley. Ms. Harrell noted that it had been a relatively low-key meeting.

Mr. Werner did report that the Downtown Master Plan and the Parking Study were both moving forward. The Parking Study, today and tomorrow, will have discussion by a panel of consultants who have come to Lincoln to make some recommendations to the contractor - the person doing the consulting. Mr. Werner thought it was a very good panel make-up. They had someone from Boulder [CO], someone from Fort Collins [CO], someone from Toledo [OH] and the President of the International Downtown Association. There will be some input presented tomorrow from those folks.

5. ISPC (Camp) Mr. Camp was unable to attend due to a scheduling conflict with the PBC's Omaha trip.

6. RTSD (Cook/Friendt/Svoboda) Mr. Friendt reported that they had passed the Budget and accepted an Audit report. Mr. Werner asked if the RTSD's budget was calling for a tax increase? The answer was no - the rate is the same.

7. LPED INVESTORS' MEETING (Werner) - SEPTEMBER MEETING CANCELLED

OTHER MEETINGS - Ms. Newman reported on the NU Directions Meeting. She stated that they had discussed the roundtable workshops that have been mentioned to the Council previously. There had been landlords, neighborhood people, the Police Department, all talking - and asking a few questions. The question was posed as to how the ideal neighborhood would be described. What does it look like during the day - during the night? What is keeping us from having an ideal neighborhood? And what can enhance what we're already doing in the neighborhoods?

Ms. Newman explained that the discussion basically targeted some neighborhoods that had some trouble with student parties on Saturday nights. Ms. Newman had a picture of a site in the North Bottoms, showing one of the properties, after a Saturday evening. It was indicated that this was quite a normal sight in the area. The Roundtable report is going to be presented to the Mayor and to Harvey Perlman [UN-L] at a meeting later this month. Ms. Newman thought that all of the Council Members would get copies of those notes. Basically, in a couple of the locations, (they did Clinton, North Bottoms, 14th & Indigo, Hartley, and Everett Near South neighborhoods) - where they have townhouses and duplexes, they have an enormous problem with student parties there. Just one kid on a cell-phone will call somebody, then all of a sudden, there are 200-250 people there. In this particular Roundtable, someone stated that it had been poor planning on the City's part. They allowed something to come into the area that should not have been built at all. They should not have mixed houses [single family] and duplexes. There is a group of 10 houses and 30 duplexes...the single families are the minority. Those single families can either live with it, or move. This particular person is moving out of the neighborhood.

Ms. Newman explained that these are some of the issues they're dealing with. She felt there was a great effort being made and we may be able to make some progress. As we move forward, more information will follow.

Mr. Camp reported on the Public Building Commission's Omaha trip. He and Mr. Cook related some of the similarities and some of the differences between the Omaha and Lincoln PBC's focuses and accomplishments. It was agreed that Omaha had a much better security system (at a cost of nearly three-quarters of a million dollars) installed in their Council Chambers, while Lincoln has a much more Citizen-friendly media and meeting structure, as explained to the two groups by Mr. Bill Luxford of Lincoln's 5-City TV who had also been in attendance at this Joint meeting. The Omaha PBC had come down to Lincoln recently to borrow some of our media ideas.

Mr. Camp noted that their Chambers were very impressive. They had used the Correctional Industries to make new furniture for the Chambers and they had new flat panels. Mr. Cook commented on the three \$5,000, 50" plasma displays. He explained that one was before the dais for the Council Members and the other two are on the walls for viewing by the audience. They also had a "touch voting" system in the Chamber.

Mr. Cook reported that Lincoln has both the City and County do policies for liability; Omaha just has the Building Commission do the liability insurance directly. Their parking arrangement is based on a charge to the employees of 80% of the private sector's fees. They used to have public parking, but eliminated that after 9/11 for security purposes. Mr. Cook thought that might be going a bit far, but noted that they do have a fabulous security system.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Kielty reported that there were two openings on the Women's Commission. Ms. McRoy and Mr. Werner both commented that they had submitted the name of someone they both felt would be a very good addition to that Commission. Ms. Kielty indicated that she had not received the person's application yet, but stated that she would give that person a call.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mark Bowen indicated that the only issue for discussion that he had was concerning the photocopy issue which would be discussed under the MISCELLANEOUS portion of this Agenda.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion regarding cigarette butts around County-City Building -5 minutes. (Requested by Terry Werner) At Mr. Werner's request, Mr. Harry Heafer of the Lincoln/Lancaster County Health Department gave a brief report on the issue. He noted that the complaint Council had received on this issue referenced a large number of "butts" around the County/City Building. He noted that in order to address the issue, it would have to be noted where the numbers were found, whether near the buildings or on the public sidewalks and walkways. Before a policy could be set, it would be necessary to determine where and by whom the littering was being done. He noted that often more receptacles for the disposal of cigarette butts is one of the main tools the Health Department can employ in combating this type of litter.

At Mr. Werner's request, Mr. Heafer explained the recent installation of such receptacles in the Downtown area in compliance with and funding from the "Keep America Beautiful" campaign. Mr. Heafer explained that Lincoln was chosen as one of nine American City's to participate in this beautification project [Cigarette Butt Litter Prevention Research Project]. They have installed 18-19 new, better designed receptacles in the Downtown area. They had also done pre-installation and post-installation surveys with the businesses in the Downtown area. They would be turning that information into "Keep America Beautiful" to do the actual merging of the data. Mr. Heafer stated that his instinct was that there would be a benefit to the receptacle installation, though it was noted that some smokers would discard their "butts" on the ground when there was a receptacle within two feet of their "drop" site..

It was determined that Mr. Heafer should contact Mr. Don Killeen of the Public Building Commission for further input on how best to address the litter issue around the County/City Building and to determine any costs involved.

2. Discussion regarding attached subscription - A subscription solicitation from the American Society of Criminology for their publication "*Criminology & Public Policy*" - a journal on crime and justice referencing public policies. The cost would be \$125.00 annually. The subscription was attached to the August 30th "Noon" Agenda for Council's review. No Council Member indicated that he or she would be interested in subscribing to this journal.
3. Discussion regarding Photocopy Procedures for Council Packets. The issue of diminished photocopy budgets for the departments and their inability to supply the previous number of copies to the Council for packet distribution was discussed at some length. A final decision was made to have the departments send one copy to Council, one to the Mayor's Office and one to the City Clerk's Office. The departments would then send the materials electronically and Council Staff would submit the documents to Council in some form yet to be determined. The Formal Council Agenda and it's legislative attachments would continue to be distributed under the current procedure.

The public correspondence would be scanned for distribution electronically on the Directors' Agenda on the Council's Weekly Meeting website. Mr. Cook will work with Mr. Bowen and Council Staff to initiate the new system.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Mr. Friendt noted that he would like to make a motion for the City Council to publicly recognize the need for the 75 million dollar bond issue to catch up on streets roads and trails improvements and to heartily encourage Lincoln voters to vote for the community's future life by approving this bond issue. After some discussion, Mr. Roper noted that a motion could be made at the dais today - with nothing in writing. Ms. McRoy asked why Council couldn't just encourage voters to Vote tomorrow. Mr. Friendt responded that the main purpose in his making this motion is that he understands the "Administration" can't promote or take sides on the bond issue, however, that doesn't preclude City Council Members, as leaders, who have been through this SRT process and have had the findings and been through the debate, to make a public statement.

Mr. Roper stated that he would double check that before the motion is made. A motion can certainly be made to urge people to become familiar with the bond issue and to exercise their right to vote. He suspected that Council could not go so far as to recommend, as a body, that the public vote for it. Mr. Friendt asked why that would be. Mr. Roper noted that it is the public expenditure of tax monies to advocate a position. He would want to make sure that Council has the ability to do that. He noted that this would not be anything in writing....no resolution.

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORRIE KIELTY - No Further Comments

DANA ROPER - Mr. Roper had several comments on other issues including the cost the City could charge for photocopies. The State's Attorney General will not challenge or look into copy costs of 25 cents per page. The only reason we do not charge 25 cents per page is because the City Ordinance states "10 cents per page". If that were changed to read "25" we could charge 25 cents. He noted that the Law Department is getting public records requests from attorneys as a way to get around discovery through the legal process. We think this would be a good vehicle to try to tone that practice down a little bit. He stated that the Law Department was getting inundated with public records requests for which we cannot nearly recover our costs. Mr. Werner asked if the 25 cents was the maximum amount allowable? Mr. Roper stated that the State Statute simply states that you can "recover your costs". If we can prove up more cost than that, we can [increase the charge]. But, it was noted, 25 cents gets a pass. Mr. Werner asked if Mr. Roper would draft legislation to make that change in the ordinance. Mr. Roper noted that Council would be "hit" with complaints from some members of the public for charging too much.

Secondly, Mr. Roper reported, there is a draft for the ordinance which had been discussed a long time ago about the classification between "Infractions" and "Misdemeanors", if Council would still want us to bring that forward, changing some of what we have as "Misdemeanor" to "Infractions". That seemed to be the direction which Council wanted to go. Mr. Roper stated that, if there were no objections, he would add that to the Council's Agenda. Mr. Werner asked if that was something Mr. Roper recommended doing? Mr. Roper said that it was fine with the Law Department. Mr. Cook asked to have a copy for review prior to placement on the Agenda. Mr. Roper stated that they would put it in a pdf file and they could send it home.

Mr. Roper further commented that the lost has been found by the Clerk of the District Court. He passed out material to Council, a copy of which Council Staff did not receive.

The final comment Mr. Roper had was concerning the Excellent Trip of the Public Building Commission to Omaha. The Omaha PBC does not allow their Defibrillators in any place where there are not trained personnel who know how to use them. There are notices posted that defibrillators are available in the Building, however they are available only at locations where there is a nurse, or a law enforcement officer who knows how to use them. This was the same advice that the Lincoln PBC has received which explained that defibrillation is only the beginning of a resuscitation process. It is not an end-all in the process.

VIII. MEETING ADJOURNED - Approximately 12.30 p.m.

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