

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 6, 2004
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of November 15, 2004.
- *2. Pre-Council Meeting Minutes - RE: Tax Increment Financing Update - November 15, 2004.
- **3. Minutes from Directors' Meeting of July 19, 2004.
- **4. Minutes - City Council Retreat - November 18, 2004.
- 5. Minutes from Directors' Meeting of November 1, 2004.
- 6. Pre-Council Meeting Minutes - RE: LES-2005 Capital and Operating Budget - November 15, 2004.
- 7. Pre-Council Meeting Minutes - RE: Antelope Valley Redevelopment Plan Update - October 18, 2004.

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

- *1. Community Development Task Force Meeting (Friendt)
- *2. PRT Meeting (Newman)
- *3. Homeless Coalition Meeting (Newman)
- *4. Citizens Meeting (Newman)
- **5. Downtown Lincoln BID Association Meeting (Werner)
- 6. Parks & Recreation Advisory Board RETREAT (Cook)
- 7. Internal Liquor Committee Meeting (McRoy/Newman/Svoboda)
- 8. Downtown Master Plan Community Workshop (McRoy)
- 9. Downtown Action Team (DAT) Meeting (McRoy)
- 10. Joint Budget Committee Meeting (McRoy/Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS

- 1. Discussion on starting the "Noon" Agenda packets electronically.
- 2. Discussion regarding monthly Staff Meetings putting on Council's individual weekly agendas as FYI.

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. The Lincoln Convention and Visitors Bureau Holiday Social on Wednesday, December 15, 2004 from 4:00 p.m. to 6:00 p.m. at 1135 "M" Street, 3rd Floor - RSVP by Dec. 10th to 434-5336, by fax or E-Mail - (See Invitation)
2. Lincoln Central Labor Union - 31st Annual Albert W. Bauer Awards Banquet on Friday, January 28, 2005 at the Lincoln Fire Fighters Hall, 241 Victory Lane - Social hour at 6:30 p.m. - Dinner at 7:00 p.m. - Program at 8:45 p.m. - Tickets Cost \$15.00 per person - RSVP by Jan. 15, 2005 at 466-5444 - (See Invitation)
3. ABLE (Association of Business Leaders and Entrepreneurs) Annual Social Event - cordially invite you to attend a cocktail reception to celebrate, meet and share with some of Lincoln's current and future leaders on Thursday, December 9, 2004 at 4:00 p.m. at FIREWORKS, Haymarket 210 N. 7th Street - Please RSVP to Ken Doty at 438-3103 or by E-Mail - (See Invitation)
4. The Lincoln Airport Authority and Air Host invites you to attend an Open House to tour and celebrate the completion of the new Deli, Lounge and Gift Shop in The Lincoln Airport Terminal Building on Tuesday, December 14, 2004 from 5:30 p.m. to 7:30 p.m. at The Airport Terminal Building, 2nd Floor - RSVP Regrets only to Linda Benda at 458-2400 - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM NOVEMBER 22, 2004.**
****HELD OVER FROM NOVEMBER 29, 2004.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 6, 2004
CONFERENCE ROOM 113

Council Members Present: Terry Werner, Chair; Ken Svoboda, Vice-Chair; Jon Camp, Jonathan Cook (arrived after `minutes' approval), Glenn Friendt, Annette McRoy, Patte Newman (arrived after `minutes' approval); ABSENT: None

Others Present: Mark Bowen, Ann Harrell, Corrie Kielty, Mayor's Office; Dana Roper, City Attorney; Don Taute, Personnel Director; Steve Hubka, City Budget Officer; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Deena Winter, Lincoln *Journal Star* representative.

I MINUTES

1. Minutes from Council Members' "Noon" Meeting of November 15, 2004.
2. Pre-Council Meeting Minutes - RE: Tax Increment Financing Update - November 15, 2004.
3. Minutes from Directors' Meeting of July 19, 2004.
4. Minutes - City Council Retreat - November 18, 2004.
5. Minutes from Directors' Meeting of November 1, 2004.
6. Pre-Council Meeting Minutes - RE: LES-2005 Capital and Operating Budget - November 15, 2004.
7. Pre-Council Meeting Minutes - RE: Antelope Valley Redevelopment Plan Update - October 18, 2004.

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

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

*1. COMMUNITY DEVELOPMENT TASKFORCE (Friendt) Mr. Friendt reported that at the meeting which had been held on November 18th, they welcomed the new Community Development Task Force members; there was a solicitation for Community Development Week Award nominations; and there was presented a consolidated plan for visioning activity that Karen Jensen is leading. After approval of the minutes, there was a public hearing and approval for the Consolidated Annual Performance Evaluation Report (or CAPER as it is called).

Mr. Werner asked if the visioning would be continued - or has that portion of the planning been completed? Mr. Friendt answered that he was not sure where they were on that, but he knew they had solicited the Task Force's input. He noted that Council Members would also have an opportunity to offer input on the Plan as well.

*2. PRT (Newman) Ms. Newman reported that they had actually gotten rid of most of the problem properties, so they're disbanding and would never meet again. Several Council Members questioned the veracity of that report. Ms. Newman responded wistfully that it did sound good, though, didn't it?

*3. HOMELESS COALITION (Newman) Ms. Newman, returning from her brief sojourn into wishful longing for a better world, reported that this meeting had been cancelled.

*4. CITIZENS MEETING (Newman) Ms. Newman reported that there had been approximately 15-16 people in attendance to hear about the Stevens Creek development. She thought it had been a nice turn out.

**5. DOWNTOWN LINCOLN BID ASSOCIATION (Werner) Mr. Werner reported that the DLA meeting had been somewhat uneventful. Jim Baird had started the meeting off by talking about Cornhusker Place. They're starting their capital campaign with a goal of about 1.2 million dollars at completion. Mr. Baird had presented the plans and Mr. Werner thought it had been interesting to see. He added that if Council Members wanted more information, they should contact the DLA.

Mr. Werner stated that there had been a little update on the Carl Walker study, noting that the update didn't cover anything he thought the Council didn't already know - but it did offer a sort of time-line. He told Council that there is a proposed temporary Board for the parking authority. Ms. Harrell noted that the current make-up of the group wouldn't be a final one. She added that it really wasn't a board, but more of a group based mostly in the private sector that will be going out and seeking public input on the pros and cons of a Parking Authority; and how the private sector and the community feel about moving ahead with that.

Mr. Werner also reported that they had had an update on all the Holiday events. Most of them (other than Holidays in the Haymarket) have been held already. Ms. Harrell added that the DLA was thrilled about the turn-out for the Holiday Parade. She had talked with Polly this morning and learned that they had also had an enormous crowd for the Home Tour this Sunday with a lot of the participants being people who were actually looking for a home to buy.

6. PARKS & RECREATION ADVISORY BOARD - RETREAT (Cook) Mr. Cook reported that the big issue that we'll be dealing with in the Budget is the Capital Improvements Program, which will determine what we're going to do for the next six years. This last year we put in \$655,000. It looks like when we get to '07-08, we will need 1.5 million dollars; '08-'09 we will need 1.6 million dollars; in '09-'10 we'll need 1.5 million dollars. Most of that will be primarily for the Antelope Valley Park projects. We're going to need to figure out how to deal with that and still fund capital projects throughout the rest of the City. That is going to be quite a challenge and he wanted people to be aware of that upcoming concern.

The Board is working on a strategic plan between the Parks & Recreation Department and the Parks & Recreation Foundation Board. It seems to be still very open for discussion as to exactly how they should relate and what the Foundation's focus should be. They've

generally been kind of “laid-back” in their approach. They were more aggressive recently, however, with the funding of the Sunken Gardens. Hanna-Keelan has been hired to work on that and have meetings to discuss how best to relate them to the Board. The question of whether or not Parks & Recreations Board Members should be on the Foundation Board or whether the Foundation should be more independent was addressed. Right now some P&RB Members are on the Foundation Board. Mr. Cook felt that would be an interesting discussion.

He reported that they are working hard to find alternative ways of funding Parks Operations. He did not think that the Foundation’s use should be to fund parks operations - just as the University Foundation doesn’t fund the University’s day-to-day operations. He felt they would have to be very careful in that area.

7. INTERNAL LIQUOR COMMITTEE (McRoy/Newman/Svoboda) Mr. Svoboda reported that they had met last week and had some really good discussions after the regular reports were completed. The discussion had covered some upcoming legislation that the Nebraska Liquor Control Commission is currently working on. He reported that a letter had gone out from him, as the Chair of the ILC, which Joel Pedersen had put together, to the Liquor Control Commission offering the support of the ILC. Mr. Svoboda stated that Council Members would receive copies of the letter, if they hadn’t already received copies in their folders today.

Mr. Svoboda reported that most of the legislation is in regards to ‘gaseous alcohol’ legislation. This is just a really strange development, but leave it to the entrepreneurship of some individuals who want to make some money. It has not hit Lincoln, yet; but Patte is suggesting that we look at current local legislation that might pre-empt what could be happening at the State level at a later time. It will take a while for the State to deal with this issue.

He noted that the ILC had also offered support to the density inclusion for liquor licensing. We also discussed and will be working with the Liquor Control Commission on catering and SDL’s because, currently if someone holds a catering license, there is absolutely no binding procedure in place, other than just announcing that there is going to be an event. We have a couple of locations in Lincoln where catering events are held on a weekly basis. The caterers are from outside of the City of Lincoln, hold liquor licenses in another City, but are coming here and doing several catering events per week-end - and we get absolutely nothing from that. Yet, it takes us a tremendous amount of administrative time and expense to handle these more than 1,000 catering SDL’s on a yearly basis. We will be looking for ways to see that the caterers would have to have a local liquor license; or we can start doing a Permitting process included with fees for catering events. We can, obviously, not be concerned with the small operations, because we’re talking about the ones that are doing several hundred, if not close to 1,000 events, on their own - annually. Ms. McRoy added that the problem is that it is costing the City money in Administrative expenses.

Ms. Newman asked what Council Members thought about the alcohol inhalation trend that is crossing the nation. She noted that the mechanisms used in the process actually cost a couple of thousand dollars. She reported that the Legislature is talking about banning them in Nebraska. What we thought would be a feasible course of action would be that, instead of having bars possibly going out and investing this money, we could nip it in the bud and say we’re not going to allow that here. Then the bar owners wouldn’t make that

investment. We can't take a "right" away from a business, but it would be easier to stop the process before a business has spent the money on the investment of new equipment. Ms. Newman wanted to know how Council Members felt on this issue. Mr. Werner asked what the concern was with the machines & the process. Ms. Newman replied that it is not like drinking a glass of wine, or having a beer with your pizza. Basically, the patron is using this gadget to get "hammered" - that's the sole purpose of this process.

Council continued this discussion with Mr. Svoboda noting that inhaling this amount of alcohol is the equivalent to going over the legal limit anyway...if one goes through the 15-20 minute process. It was agreed that no one knew at this time whether the current liquor laws would cover this new process. Council agreed that this was a concern that should be addressed.

Mr. Cook brought up the density of liquor establishments in any given area. Mr. Svoboda explained that this is something that the Nebraska Liquor Control Commission is pursuing - more as it relates to Whiteclay - but this is something that would be much more wide-ranging which would put us into a position that if a location closes down and there is a density issue because of land use, then local authorities would be able to stop that liquor license from going into a certain area. We don't know what will ultimately be passed by the Legislature, but we've issued a letter of support for the concept. Mr. Friendt noted that Chief Casady had come out in favor of using density as an issue, because, in fact, high density does create additional enforcement problems.

8. DOWNTOWN MASTER PLAN COMMUNITY WORKSHOP (McRoy) Ms. McRoy had been unable to attend the meeting, but Mr. Werner, who had been in attendance gave a brief report. He noted that the process all along for the Downtown Master Plan has been to get community input. He felt that the Committee had taken that input very seriously after each of the meetings where often there had been 300-500 people attending. There had been surveys at these meetings and they have come up with a final draft that will be brought back in February or so. Then the implementation process will begin with decisions about how this will be paid for and what benefits the community will see. He noted that that is a very important step, adding that there is a lot in the Plan; it looks very good, but it will cost money. They don't have any cost figures at this time, however.

Mr. Camp added that it has been a very open process and a lot of people have participated. He noted that it is a conceptual thing which we will need to watch carefully. He stated that he would be interested in seeing the cost estimates on this brain-storming approach to accessing what we can do. This could be a 30-50 year Plan. He warned against falling into the error that had befallen the City in the '80s with the Downtown Development program presented at that time, that had never materialized.

9. DOWNTOWN ACTION TEAM (DAT) (McRoy) This is a group that is a back-up team to the Downtown Planning Committee where the actions and decisions are summarized for Staff and Committee Members.

10. JOINT BUDGET COMMITTEE (McRoy/Werner) Ms. McRoy reported that it had been a short meeting where they had discussed the Indian Center, and several other Community Centers. The Hispanic and the Asian Centers are moving to new locations. The Indian Center Director resigned, so they're looking for a new Director. There is a new group -the New Community Foundation, meeting in one of the downtown churches.

Mr. Werner asked about the discussion that had been held on the new C-SIP contract. Ms. Kielty stated that the C-SIP contract had been discussed at a meeting that followed the JBC meeting. Some decisions were made then on the C-SIP contract. They had given Kit some assignments to undertake to see if the decisions they'd made would work out. Mr. Werner asked what the decisions had been? Ms. Kielty noted that what they would like to do, as the RFP had indicated was an option, would be to have the contract split up and that was the decision that was made. This split would have the Human Services Federation, which was one bidder, be the coordinating entity; then invest the money -instead of investing it into one planning entity- invest it into the coalitions themselves. The end-goal was to have the coalitions empowered. The coalitions could bring funding into our community from the Federal government or other entities to allow us to have more human services programs in our community and to meet specific needs.

That all falls into the data gathering process. We would still have Nebraska Children and Families doing the data gathering; have Human Services Federation do the coordinating; and have Urban Development specifically assist with the housing concerns. We also talked about combining some of the coalitions. When Robin and Kit met with the coalitions, there was serious concern about whether or not they were really being effective...so we decided to combine three of the coalitions.

The next step will be to have Kit go back to those bidders and tell them what we've decided and ask if they are willing to work on this plan from this point of view. The other thing, something that none of us agreed to, would be adding another \$5,000 from the City AND the County into the C-SIP Budget. Ms. Kielty noted that could be additional funds or re-prioritized funds that had been being given out in grants, but would now be going into C-SIP - if it were decided to do this. Another thing that Kit will be looking into is asking the New Foundation to provide funding to C-SIP, because we are losing the School Foundation.

Ms. McRoy added that another important issue at the JBC meeting had been an Update on the Pilot Bus Program. She reported that it was going very well. Ridership was up and Kit is trying to get figures on comparable time-periods over the two year duration of the program. StarTran's figures aren't figures that most people agree are an accurate measure of the ridership being broken down to show pass users. Ms. McRoy indicated that she would make sure that all of the Council Members received a comparison chart on those figures.

OTHER MEETINGS - Ms. McRoy had attended the West "O" Street Business Association meeting. She indicated that the discussion had included the Harris Over-Pass/Bridge Replacement Program. She reported that there had been concerns expressed among the business owners in the area about the length of the replacement project, and the number of lane closures. There is a segment of folks who would prefer that the bridge merely be repaired and not have a complete replacement. She noted that the only problem with doing the 'repair only' is that we are in line with some State/Federal funds and the RTSD has committed to this project...so that would be an 80/20 split. If we tap the State and Federal funds for repairs, we would not be eligible for those Federal funds for another ten years. And who knows where we would be on the priority schedule then. A quick repair job with no bridge closing or replacement puts us out of the running for the money for ten years. So, if the bridge were to fail, it would be totally on the City of Lincoln to foot the bill. So, they're moving forward with the bridge replacement plan. Ms. McRoy had requested that they send informational material to the Council Members for review.

Mr. Werner asked if anyone would be interested in a pre-council on this. Ms. Newman stated that she would be interested because she had heard rumors that the bridge was to be shortened. Ms. Harrell noted that the project is moving slowly right now because there are all of these conflicting questions, so a pre-council at this point would be premature. Mr. Friendt stated that at the RTSD meeting held this morning, they had approved some reallocation of funds out of the Harris Overpass for this coming year, because it is going to move slowly so it is coordinated with the Downtown Master Plan. Mr. Bowen suggested waiting another six months before scheduling a pre-council.

III. APPOINTMENTS/REAPPOINTMENTS - Mr. Bowen noted that there would be three appointments coming through on the formal agenda next week - for the LES Board.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen reported that he had a number of things to discuss. He reported that the Administration would like to reschedule the December meetings with Council Members to early January, since we've just finished one round and the Holidays are coming up.

Mr. Bowen informed Council that he had requested Don Taute to attend the "Noon" meeting in order to answer any questions they might have on the Personnel issues [changes to the "M" Classifications] that appeared on this Monday's formal Council Agenda. Council determined that they would prefer to have Mr. Taute at the formal meeting in order to answer any questions they might have in the public forum.

Mr. Bowen requested that the Budget Forecast Meeting which is currently scheduled to begin at 2:00 o'clock in the afternoon be started at 1:00 p.m. instead. He noted that, looking at agenda items, he thought they would need the extra hour in order to cover everything. Council agreed, so the time for the Council's Budget Retreat was changed to **1:00 p.m. - 5:00 p.m.** still to be held at the "F" Street Rec Center on Wednesday, December 15, 2004.

He noted that the PBC had wanted to make sure that Council was aware that they had started discussion on the County-City Building's 3rd Floor expansion. Mr. Bowen told the PBC that he didn't recall any Council discussions on that, so he volunteered to remind Council that the discussion was under way on the partial development of the 3rd Floor. Mr. Werner felt, since it would be on the PBC agenda for tomorrow's meeting, Council could expect a report at next Monday's "Noon" meeting on PBC deliberations. Mr. Bowen explained that the County is looking for space for the Probation Office. He added that there was also concern about the status of the City Law Department and how much longer they may be allowed to remain in their current work area, as well as the concern for additional conference space.

Mr. Cook noted that the Council Chamber monitors would also be discussed at tomorrow's PBC meeting. They only have two at this time and three were supposed to be provided. He hoped that sometime within the next twelve years they might get all three of the monitors in the Chamber. Mr. Werner noted that this project had been going on for only a year or so, unlike the chair project...so there's plenty of time before worry should set in. [Laughter]

Mr. Cook added that the AED placement had ended up in a different location than he had expected - so, he wondered, why are these issues discussed? He had been under the impression that there were some liability issues with the location that was decided upon, but that Mr. Roper had signed off on the new location. Mr. Roper noted that the Risk Management Office had explained that the storage cabinet holding the AED had a security system built in that would prohibit tampering and they had wanted the AED placed in a visible, accessible location. So, he had withdrawn his objections to the placement in the current location. Council requested that Mr. Cook discuss this at the PBC meeting and report back next week.

Mr. Bowen continued, noting that the 48th & “O” Street development would soon be making its way through the system to Council. He asked if the Council Members would prefer a pre-council before or after the issue came before the Planning Commission. Council Members determined that they would like to have the pre-council next Monday, December 13, 2004.

Mr. Bowen reported on the State Fair and the “Local Matching Funds”. He explained that this would be discussed at the Budget Forecast Meeting [Budget Retreat] also, but the State Fair Board and he had talked a couple of different times in efforts to organize a meeting. They are hoping to have the Lincoln Chamber of Commerce, the State Fair, the County Board representatives and the City folks there all at one table to agree to a concept of what everyone thinks the “local match” is and how it will be accounted for and documented. He felt the entities were a lot closer to agreement than the [newspaper] editorials would indicate.

Mr. Werner asked if there was smoking allowed inside at the State Fair. Mr. Bowen indicated that there was. Mr. Werner asked if there were private bars at that location? There is one - the “Penalty Box”. It was explained that it was open only during the “ice season” and the volley ball season. Mr. Werner thought it was odd that the State has the authority to set up a private business on their land. Mr. Roper explained that they’re just renting the space out. Mr. Werner asked if that could be a problem for the City on the enforcement of the smoking ordinance. Mr. Roper said that it could. This discussion continued with a final decision being made to request the Mayor to write a letter to the State Fair Board expressing the City’s concern regarding this issue.

Mr. Friendt asked Mr. Bowen if the Administration had been taking into consideration how our decision about this “match” of approximately \$200,000 could effect the City, in terms of State leadership of the Legislature? He noted that he had had people come to him in disbelief that the City is “balking” at this and being difficult regarding the matching funds. That is their perception - when leaders throughout the State are saying “look at the benefit Lincoln derives from all of these people coming to the community to attend the State Fair”. Mr. Friendt commented that, having watched the Legislature having a long memory about where cash does and doesn’t go....he hoped that the public perception is being considered in the “bigger picture”.

Mr. Bowen commented that he thought they had been addressing the “bigger picture”. And, he did want to correct the misconceptions. The City of Lincoln has never “balked” at this. The City of Lincoln has never “balked” at the issue of cash. We’ve always contended that, according to the State Fair’s own records, 81% of the cash contributions from sponsorships at the State Fair come from this community. It is a State Fair - not a City Fair, but we’re paying, primarily, most of the sponsorship money, a fact, which during our discussions, the State Fair and Chamber of Commerce have acknowledged. If cash is what they really want, then that sponsorship money more than exceeds it from this point forward. He noted that he had heard references made to our “counting contributions in the past”. He stated that the City has never said that. What they have said is from this point forward, now that it’s a requirement, we should be allowed to count what we already match from this point forward. The State Fair has agreed with that too. Mr. Bowen reiterated that he did not think an agreement was as far away as the *World Herald* or even the Lincoln paper lead us to believe.

Mr. Camp commented that the perception he has heard expressed is that we’ve gone ahead and we have a two million dollar Keno fund going into the State Fair so that’s new money - so Lincoln should be putting up new money...not current sponsorship. The perception is why isn’t Lincoln putting in more. Mr. Bowen answered that it is a perception issue. The Constitutional amendment says “match”. It makes no reference to “new” or “old”....it simply says “match”. And, Mr. Bowen added, a large part is private money. The Constitutional amendment also says “public, private, City and County”.

Conversation continued on this issue briefly with no other determination being made but that the Mayor should come forward with a statement or letter regarding the enforcement of Lincoln's smoking ban on State Fair grounds.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS - *Neither Issue Addressed - To be Held Over to 12-13-04.*

1. Discussion on starting the "Noon" Agenda packets electronically.
2. Discussion regarding monthly Staff Meetings putting on Council's individual weekly agendas as FYI.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

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 - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:19 p.m.

cm120604