

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 10, 2005
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Directors' Meeting of December 13, 2004.
- *2. Minutes from Council Members' "Noon" Meeting of December 20, 2004.
- **3. Pre-Council Meeting Minutes - RE: 48th & O Streets Redevelopment Plan Update - December 13, 2004.

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

- *1. Motor Sports Issues Forum (McRoy)
- *2. Citizen's Meeting (Newman) - DECEMBER MEETING CANCELLED
- *3. Homeless Coalition Meeting (Newman) - HELD OVER FROM 12/20/04 "NOON" AGENDA.
- **4. PRT Meeting (Newman)
- 5. LPED Meeting (Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS -

- **1. Discussion - Should the Twice Monthly Rule on Open Mike Sessions also apply to the "Registered to Speak" portion of the Agenda? - (Terry Werner/Joan Ross)
- **2. Discussion - Security Policies for Council Office (Jon Camp)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

- *1. E-Mail Invitation Jon Norris, Associate Director, The Performance Institute - Improving Citizen Services -Invite you to join us for the 5th annual City and County Innovations Summit, hosted by the Performance Institute and an array of good government organizations in Phoenix on March 21-23, 2005 - (See Invitation) [*Agenda and Reservation forms sent by e-mail to individual Council Members. Copy on file in City Council Office*]
- *2. 81st Annual Meeting of the United Way of Lincoln and Lancaster County - Wednesday, January 19, 2005, 11:30 a.m. - 1:30 p.m. at the Embassy Suites 1040 "P" Streets - \$25.00 per person or \$240 per corporate table of ten. RSVP w/enclosed card by January 10, 2005.
- *3. **John Reid Retirement Notice** - Friday, January 7th, 2004 in front of the Mayor's Office - 555 So. 10th Street, 2nd Floor 1:30 - 3:30 p.m.
- **4. 10th Annual Rev. Dr. Martin Luther King, Jr. Youth Rally & March - January 17, 2005 - 8:45 a.m. - Pre-Rally in the 2nd Floor Ballroom at the downtown UN-L Student Union (14th & "R" Streets) - 10:00 a.m. - March through downtown Lincoln to State Capitol - Rally to be held in East Legislative Chambers (approx. 10:30 a.m.)
- **5. Retirement Party for John Dale, Assistant Library Director on Wednesday, January 26, 2005 from 2:00 p.m. to 4:00 p.m. at Bennett Martin Public Library, 136 So. 14th Street, 4th Floor Board Room - (See Invitation)
- **6. League of Nebraska Municipalities 2005 Midwinter Conference - February 14-15, 2005 at The Cornhusker Hotel, Lincoln - (See Registration Material)
- 7. United Way of Lincoln and Lancaster County invites you to a reception welcoming Brian Wachman, Executive Director on Tuesday, January 18, 2005 from 5:00 p.m. to 6:30 p.m. at the Lincoln Country Club, Grand Ballroom, 3200 S. 24th Street - RSVP by Jan. 13th to Samantha McElroy at 323-1130 or by E-Mail - (See Invitation)
- 8. You Are Cordially Invited To Attend The Greater Lincoln Chamber Foundation's 2005 Mardi Gras Gala Celebrating The Roger T. Larson Community Builder Award on Friday, February 18, 2005 at The Embassy Suites, 1040 "P" Street - 6:00 p.m., Cocktail Reception & Silent Auction - 7:30 p.m., Dinner, Award and Live Auction - Black Tie - RSVP no later than Jan. 31st - \$75.00/Individual/\$100.00 for non-chamber member - (See Invitation)

9. E-MAIL REQUEST from Sonja Heiss - I work at a treatment group home for CEDARS Youth Services, as part of our community involvement group, we are looking for someone to speak to our clients about the importance of becoming involved in the community and ways to do so. If you are interested in volunteering a hour to come share with our teenage girls, please contact me. - (See E-Mail)

10. The Nebraska Lectures-Chancellor's Distinguished Lecture Series-An evening with Ted Kooser on Tuesday, February 8, 2005 at 7:30 p.m. at The LIED CENTER for Performing Arts, 12th & "R" Streets - Free and Open to the Public - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM 12-27-04**
****HELD OVER FROM 01-03-05**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 10, 2005
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 (arrived late), Corrie Kielty, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Teresa Meier, Deputy-City Clerk; Steve Hubka, Don Herz, Finance Department; Nicole Fleck-Tooze, Public Works; Terry Genrich, Parks & Rec Department; Frank Delgado, and another unidentified citizen; Tammy Grammer (left early) and Joan Ray (arrived late), Council Staff; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Deena Winter, Lincoln *Journal Star* representative.

I MINUTES

1. Minutes from Directors' Meeting of December 13, 2004.
2. Minutes from Council Members' "Noon" Meeting of December 20, 2004.
3. Pre-Council Meeting Minutes - RE: 48th & O Streets Redevelopment Plan Update - December 13, 2004.

Mr. Werner requested a motion to approve the above-listed minutes. Glenn Friendt moved approval of the minutes by acclamation. Patte Newman seconded the motion, which carried by unanimous consent of the Council Members.

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

1. MOTOR SPORTS ISSUES FORUM (McRoy) Ms. McRoy reported that this meeting had been cancelled. She indicated that the last discussion held had concerned the Arbor Road closing.
2. CITIZEN'S MEETING (Newman) - *December Meeting Cancelled*
3. HOMELESS COALITION (Newman) - *Held over from 12/20/04 "Noon" Agenda.* Ms. Newman believed that the Homeless Coalition meeting had been cancelled.
4. PRT (Newman) Ms. Newman reported that one property owner, whose property just keeps coming up over and over again, will be prosecuted. One of the two more interesting cases involved rental property owners who had evicted the tenants, so there were boxes in the drive-way for a week waiting for the tenants to come and pick them up. The neighbors had complained about junk. That seems to be an on-going problem of late.

5. LPED (Werner) - Mr. Werner reported that he had not attended due to a conflict in schedule - the City-County Common meeting was being held at the same time. Mr. Camp noted that he had been able to attend for the first half hour of the meeting, and stated that, basically, there had been a report on the downtown studies.

OTHER MEETINGS - Mr. Svoboda reported that some members from the Health Board had met with a couple of the Capital Humane Society Board members. Mark Bowen from the Mayor's Office, Bruce Dart and Kathy Cook from the Health Department were there. He noted that they had come to some resolution on the contract. We're going to be asking for a contract that extends for only nine months, which will keep us in line with the budget cycle. They will then be asking for a waiver from the Finance Department regarding the living wage ordinance until we can figure out how we're going to fund an increase. So this will be just a nine month delay in dealing with it.

Mr. Werner asked if this was the Mayor's position on the contract? Mr. Svoboda answered that it was - Mr. Bowen had been in attendance representing the Mayor's Office. Ms. Kielty stated that this is the position that the Mayor's Office had initially requested and which the Humane Society had turned down.

Mr. Werner asked why they should get a waiver? Mr. Svoboda responded that it was because it effects our budget and we didn't have \$95,000 to cover the cost of their contract.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. McRoy told Ms. Kielty that Jim Schultz was not interested in serving again on the I.T. Committee. Ms. Kielty acknowledged the information and thanked Ms. McRoy for the update.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen, upon his arrival at the meeting, informed Council that the Mayor would be out of town from this Saturday through next Wednesday as she attends the National Mayor's Conference.

Mr. Bowen next explained that Don Herz [Finance Director] and Steve Hubka [Budget Officer] would be presenting information regarding the separating or combining of the bond issue questions to be placed on the ballots.

This discussion was in regard to the bond issues to be placed on the Spring election ballots and whether or not to separate the issues (Storm Water/Trails/Green Space) and on which election ballot (April/Primary or May/General) the issues should be placed.

After a lengthy discourse on the pros/cons and finer points of bond issue placement on election ballots, with input from Don Herz, Steve Hubka of the Finance Department, as well as Nicole Fleck-Tooze of the Public Works Department and Terry Genrich of the Parks Department, it was decided to move forward with the Storm Water bond issue, and the Green Space bond issue on the May ballot, while deleting the Trails bond issue at this time. The Council urged the Public Works Department and the Parks Department to be sure to have the most accurate final numbers available to insure that the amounts requested would be the absolute final actual amounts needed, in light of the City's current budget constraints.

The 3.5 million dollar Green Space bond and the (approx) \$10,000,000 Storm Water Bond will be placed on the May ballot. The first reading for placement will be on the Council's February 14th Agenda. The separation of the questions was the consensus agreement of the Council.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS -

1. Discussion - Should the Twice Monthly Rule on Open Mike Sessions also apply to the "Registered to Speak" portion of the Agenda? - (Terry Werner/Joan Ross) Mr. Werner explained that the City Clerk had asked him if the "Registered to Speak" portion of the Agenda should be included in the bi-monthly schedule for the Open Mike. Mr. Werner asked Ms. Meier, Deputy-City Clerk, to address the Council in Ms. Ross's absence. Ms. Meier stated that Ms. Ross's proposal was to limit the "Fab Five's" time on items that do not directly effect their neighborhood.

Mr. Werner stated that his understanding was that Ms. Ross had mis-interpreted the rule that Council set for having the Open Mike sessions only at the 2nd and Last Monday of each month. Ms. Ross's interpretation was that the people could still register and speak on other Mondays as well. He had responded that that had not been his understanding of the decision Council had reached. His understanding was that the public could only speak (without registering - as always has been done) at the two designated Open Mike dates. Mr. Werner had told Ms. Ross that he would bring the issue up for discussion at the "Noon" meeting to insure that all Council Members were of the same understanding. Council Members all agreed that Mr. Werner's interpretation was correct. Ms. Ray stated that the "Registered to Speak" portion of the Agenda had not been included in the discussion of the Open Mike sessions and this issue just needed to be clarified.

Mr. Cook asked if a Council Member felt a citizen had valid information for Council which, for timely presentation, needed to be presented at a meeting other than the 2nd or Last Monday, would it be possible for a Council Member to sponsor such a presentation and have the twice monthly limit waived? This question initiated a lengthy discussion with a final decision, as reiterated by Mr. Werner, that the decision as to whether or not to allow off-week Open Mike presentations would be up to the Chair. Mr. Svoboda made a final comment, extolling the option of 'no exceptions'. He noted that if a constituent had pertinent information on any issue for the Council, a written message or direct contact with an individual Council Member was the appropriate avenue of communication.

2. Discussion - Security Policies for Council Office (Jon Camp) Mr. Camp brought the topic forward for discussion. He wanted to discuss the way the physical security worked in the Council/County Board Offices. He felt that the public should not be permitted past the outer office area. A citizen had come in last week for information on the Council's preceding "Noon" Meeting and had been allowed into the Council's Conference Room to record that meeting with his own equipment from the Council's meeting tape. Mr. Camp's concern was that the citizen had been in the Conference Room when no one else was around.

Mr. Camp stated that he had a recollection from Public Building Commission meetings that the reasoning for that reception area was to keep the public from coming back into the Council Office and County Board Office areas for security reasons. He thought if a Council Member had a quest, it would be appropriate, but for someone from the public to come in, either out of the blue, or even requesting to come in [for information]...bothered Mr. Camp. He mentioned his concern for the security of Council Staff. He felt the security had been breached and in his estimation it was something he did not agree with.

Mr. Werner asked if the doors were not kept locked, wondering if that was a Fire Safety precaution? Ms. Ray responded that the doors of the County Commissioners Office were usually locked, but the doors into the common Reception Area were not - as the only public access to the two offices.

Mr. Cook stated that during Council Meetings people tend to be swept into the Council Office along with the Council Members...land use attorney's and others. He noted that he was not really worried about someone doing anything there, but it just sets the wrong tone about whether that space is a free public space, or whether it is supposed to be restricted. If this issue goes along with our current discussion, it is a concern. Mr. Cook suggested that the issue be taken up at the Public Building Commission Meeting. He thought an "Authorized Personnel Only" sign could be posted between the Council Chambers and the Council office. He noted that the door between the reception area and the Council Office is closed and should not be entered without permission, but a sign could be placed there also if Council Members thought it was important. He asked that in the case of a person coming in who wants to listen to a tape -if they're entitled to listen to something like that- is there a place where they could go? Ms. Ray noted that there really isn't any place in the entry reception area that could be used for such a purpose. Mr. Camp stated that on that particular point, the public can go to CIC and get a copy and pay for it. He thought that was a secondary issue to be considered. He noted that right now this meeting is being taped, and the public is entitled to a copy of it. But rather than take staff time or have staff baby-sitting [a member of the public], those [recordings] should be something the constituent purchases....that way, it keeps our operation clean and doesn't cost us staff time.

Ms. McRoy asked if there weren't two desks where Mary sits...or in the lobby area. Mr. Cook asked what kind of equipment they needed? He wondered if they had brought their own recorder and the City provided the tape? Ms. Ray answered that the Council Office had provided a recorder to play the tape and they brought their own recorder and tape to record the meeting. She noted, again, that there really isn't a location set up in the reception area for anything like that. Mr. Werner asked if CIC wouldn't have a copy of that meeting? Ms. Ray answered that they would, but the public would have to pay for the copy. She asked Mr. Roper if the City was required to offer that information upon request - without requiring payment? Mr. Roper indicated that if someone wants to buy a copy, they can buy it. He did not know that the City could force somebody to buy if they simply requested being shown the minutes or listening to the tape. He felt the City had to [allow] that with the public records.

Mr. Friendt asked if the City had to provide the space and the equipment with which to do it? Or, can we say, here is a copy of the tape or a copy of the minutes? Mr. Roper answered that we could....but that wouldn't necessarily save the City money. They'll walk out the door and we may or may not ever see them again. He thought that was why we try to keep them in the space, because they're taking an official record of which there has been no copy made for them to listen to....they've got "the record" ... and they're looking at it. Mr. Camp noted that he was concerned about that, too. There could be a malfunction and somebody could accidentally erase the minutes and then we have nothing.

Mr. Cook asked what the process was today in the City Clerk's Office if someone comes in to review City records? He wondered where the City Clerk's Office has them sit during that review? Ms. Meier stated that they have a table directly to the south of the receptionist's desk - outside the main work area. Mr. Cook asked what if they walked off with the material - or do you just have to hope they won't. Ms. Meier affirmed Mr. Cook's thought on "hoping they won't". When asked by Mr. Werner what the City Clerk's Office does if the request is for taped material, Ms. Meier indicated that they are then referred to CIC for a copy. She noted that the only people who are allowed to borrow Clerk's tapes are City Staff themselves.

Mr. Camp stated that he would like the Council to have a policy that we do not allow anyone back past the front reception area - or at worst the counter - without a Council Member or a County Commissioner present. He noted that we also have a duty to the County Commissioners.

Discussion continued for some time. A final decision was made to have the security issue brought up at the next Public Building Commission meeting. It was agreed that the "Authorized Personnel Only" sign be posted as a positive beginning step.

Mr. Roper stated that if someone requests to hear the tape or requests the record of minutes it must be provided per State Statutes regarding public records access. Mr. Werner asked why that was so when the procedure for opening mail in the Council office is not being done according to that policy? Mr. Roper stated that the mail procedure may not be Kosher, but clearly when you have a public record, people have a right to look at it. Mr. Werner pressed the issue asking whether or not all the mail that Council Members receive, either at the Council Office or at home, is public record? Mr. Roper stated that that would be his understanding. Mr. Werner commented that that is Mr. Roper's understanding, but it's not the procedure that Council follows.

Ms. McRoy wondered how we had digressed from a security issues to this? Mr. Werner countered that we had been discussing open records procedures and Mr. Werner felt the Council's current mail procedure is a huge issue - which this Council has approved. He asked if there was further discussion on the security issue? Ms. Ray asked if some sort of decision had been made? Mr. Werner, in summary, noted that at tomorrow's Public Building Commission meeting the issue of signage (which would state "No Unauthorized Personnel" being placed on the inner Council door and the door between the Chambers and Council Office) should be discussed. He noted that signage placement would be a first step.

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 11:54 a.m.

cm011005/jvr