

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, FEBRUARY 7, 2005
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of January 24, 2005.
- 2. Minutes from Directors' Meeting of December 6, 2004.
- 3. Pre-Council Meeting Minutes - RE: Parking Study-Next Steps - January 24, 2005.
- 4. Pre-Council Meeting Minutes - RE: City's Investment Policy - January 24, 2005.

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

- *1. Joint Budget Committee Meeting (McRoy/Werner)
- *2. PRT Meeting (Newman)
- *3. Downtown Lincoln BID Association Meeting (Werner)
- *4. Motor Sports Task Force Meeting (McRoy)
- 5. Parks & Recreation Advisory Board Meeting (Cook)
- 6. Internal Liquor Committee Meeting (McRoy/Newman/Svoboda)
- 7. Lincoln Partnership for Economic Development Investors' Meeting (Werner)
- 8. Community Development Task Force Meeting (Werner)
- 9. Homeless Coalition/Continuum of Care Meeting (Newman)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS

- *1. Discussion on The Community Forum Issue - (Requested by Terry Werner)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. Annual Meeting Great Plains Trails Network on Sunday, February 13, 2005 at 1:00 p.m. at BryanLGH East Plaza Conference Center - Panel Presentation: the Necessity of Trails in Creating a Healthy Community; The Significance of the "Trails Hub" of Antelope Valley; Critical Bicycle Trails and Lanes in the Downtown Master Plan - (See Invitation)
2. The Lincoln-Lancaster County Health Department ground breaking ceremony on Wednesday, April 6, 2005 at 3:00 p.m. - A Reception in the Training Center will immediately follow the ceremony - (See E-Mail Invitation)
3. The City Finance Department would like to invite you to a Retirement Reception for Betty Surls on Wednesday, February 23, 2005 from 2:00 p.m. to 4:00 p.m. in Conference Room 106 - (See Invitation)
4. Cordially invited as a guest of BryanLGH Health System President & CEO Lynn Wilson & the BryanLGH Foundation Board of Directors to a Community Leaders Luncheon on Thursday, February 24, 2005 from Noon to 1:30 p.m. at BryanLGH Medical Center East, 1600 South 48th Street (Luncheon held on the 6th floor of the new Physician Tower) - RSVP by Feb. 21st at 481-8605 or by returning the RSVP card - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM JANUARY 31, 2005.**

ca020705/tjg

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, FEBRUARY 7, 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, Corrie Kielty, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Deane Finnegan, Executive Director of Leadership Lincoln; Joan Ray, Council Staff; 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 January 24, 2005.
2. Minutes from Directors' Meeting of December 6, 2004.
3. Pre-Council Meeting Minutes - RE: Parking Study-Next Steps - January 24, 2005.
4. Pre-Council Meeting Minutes - RE: City's Investment Policy - January 24, 2005.

Mr. Werner requested a motion to approve the above-listed minutes. Ken Svoboda 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. JOINT BUDGET COMMITTEE (McRoy/Werner) Mr. Werner reported that the big discussion had been on StarTran and the Keno policy which will be discussed at the Common Meeting tomorrow. The new Director of United Way attend this as his first JBC meeting, and Mr. Werner thought the new director would probably continue to attend the meetings.

2. PRT (Newman) Ms. Newman noted that there are a couple of cases that just keep lingering. She thought one would be prosecuted soon. There seems to be a national phenomenon of hoarding. People go out, pick up collectibles and, thinking they're kind of cool things, store them, then their garages and porches are full....so that seems to be the cause of a lot of the complaints. It just goes on and on and on.

3. DOWNTOWN LINCOLN BID ASSOCIATION (Werner) Mr. Werner reported that they had discussion on the Downtown Master Plan and an update on the Downtown Parking. Both of these issues are discussions that we've had here at the Council level - so there isn't really anything new to report on that.

4. MOTOR SPORTS TASK FORCE (McRoy) Ms. McRoy stated that she thought the meeting had been cancelled. She was attending a Council Meeting and would have been unable to attend anyway. It was noted that the Motor Sports Task Force covers a much broader scope than just the dirt track.

5. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that there isn't a lot of golf played in January. Regarding the open space bond issue, the Trust for Public Lands has recommended that we not go forward with the open space bond, because there is a need to build more community support first. They aren't confident of the prospects for [the passage of the] bond issue given the current circumstances.

There will be an annual "Art in the Garden" event in the Sunken Gardens. They will be setting up art work from various local artists. The collection will be displayed year-round, but these pieces of artwork will have price tags attached and can be bought; however, the buyer doesn't get them until after the display period is completed at the end of the year. This is a good fund raising mechanism that has been used elsewhere.

There were some requests made to the Winnett Trust for \$19,000 for the new Rebecca. They are also requesting \$6,000 for interpretive panels about the Sunken Garden's History that would be displayed in the Sunken Garden's area.

The big deal that will affect Council will be coming up at the February 28th public hearing on the Woods Park Master Plan Update. The controversy there is still the Tennis Courts - an on-going controversy for more than 15 years. The old plan called for a tennis court in the southeast corner of the park and the neighbors are still very opposed to that. He felt Council would probably be personally lobbied by both the Tennis Association people and the neighbors. So, be prepared for February 28th.

Mr. Werner asked if the Council hadn't approved the tennis complex at 84th and South Streets. He asked if that project had been started? Mr. Bowen said that it had not. Mr. Werner asked if it were going to be built? Mr. Bowen's response was inaudible.

6. INTERNAL LIQUOR COMMITTEE (McRoy/Newman/Svoboda) Mr. Svoboda reported that the Hospitality Council is putting on a short course this Thursday afternoon. It is filled and will be for servers and managers who have already been through the program before. This is what we've been asking them to do instead of having a day-long program - simply have an afternoon updating and briefing session. We hope this is something that will continue and be quite successful.

The only other issue discussed was regarding a downtown bar for which Council had recently approved a liquor license. It is causing quite a bit of problem for the Police Department. The ILC has asked the owners of the bar as well as the landlord (building owner) to come in to an ILC meeting so we can discuss these concerns. That will take place at our February meeting. The specific problems were discussed briefly. Mr. Friendt asked if Council had attached the conditions that they have been using in terms of identifying servers, etc. Mr Svoboda noted that they had done so at the request of the Chief of Police. Mr. Svoboda noted that they might be meeting those standards, but are also far exceeding every other problem area to which most of the downtown bars are prone. We'll deal with them at ILC and see what can be done. It was noted that the owners had not been contacted until this point.

7. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (Werner) Mr. Werner stated that he had attended and noted that it had been an all male attendance - except for three women. He felt most of the men attending must have been dead, since after every presentation there had been dead silence. Mr. Werner noted that there had been two very excellent presentations, one on NIFA

financing; the other had been an excellent report on legislative updates - with dead silence after both presentations. The legislative update, made by Dave Landis, had covered incentives and some of the things being done legislatively. He had discussed LB775 and how it has become outdated. It is thirteen years old and there haven't been any changes to it. He had noted that there are other mechanisms that we should be using, but essentially can't afford. One of the things that Mr. Landis plans to move forward is legislation on training incentives - trying to get more job training into the State.

8. COMMUNITY DEVELOPMENT TASK FORCE (Werner) Mr. Werner had not been able to attend - No Report.

9. HOMELESS COALITION/CONTINUUM OF CARE (Newman) Ms. Newman reported that the Homeless Coalition had joined forces with the Continuum of Care group. These were groups that had met together years ago, then the Continuum broke away because they had become more involved with grant writing; but they've decided to join forces again. There will be meetings on either the 3rd or the 4th Friday of the month. She believed there had probably been 30-35 people in attendance at the meeting who were very interested in the low-income bus passes. They had also discussed some of the legislation going on that impacts their different agencies.

OTHER MEETINGS - Ms. McRoy reported that she had gone to see the President Friday in Omaha. Council engaged in a brief discussion of seating and security involved with the Presidential visit.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Kielty passed out to Council a three-month list of upcoming appointments. [See Attachment "A"]

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen passed out to Council and discussed briefly the attached listing of upcoming Unicameral Legislation with the City's position on each piece. [See Attachment "B"] Mr. Bowen answered questions Council Members had regarding several of the bills:

Mr. Cook asked for clarification as to the exact intent of LB639, asking if it meant we have funding coming forward soon? Mr. Bowen answered that this is actually a request that helps the City designate the corridor [inaudible]. This will be used for corridor protection that the State of Nebraska has for State highways. The beltway is not on the State Highway list yet, but as Stevens Creek begins to develop, we're going to need to make sure that there is some way to protect that corridor from being encroached upon on by developers.

In response to a question from Ms. McRoy, Mr. Bowen explained that the sales tax, whether it is on motor vehicles, boats or general sales tax all goes into Lincoln's General Fund, by City ordinance. It is not distinguished once it gets to us. Some cities do break the distribution down, but Lincoln does not. We do use it "correctly". When you tally up the sales tax revenues from motor vehicles collected in Lincoln, and compare it to what the Public Works Department receives from General Revenue, the dollars are very close. But you cannot trace it line-item from point A to point B through the General Fund. Mr. Werner noted that the City is not required to spend it specifically on roads, but we are spending it that way. Mr. Bowen stated that we are - in equivalent dollars...within a couple hundred thousand dollars out of approximately 4.8 million dollars received in motor vehicle sales tax revenue, and Public Works receives about 4.5+ million.

Mr. Werner asked why that wasn't made a line-item in our budget - to reflect that so people would understand that this is actually happening. Mr. Bowen answered that they did make that point in the Revenue Committee - that Lincoln does use the funds for this purpose.

Mr. Werner commented that one of the positions the Chamber will be taking in the upcoming election will be that that money eventually be moved over to roads....over a five year period. If, in fact, it already is being designated for roads, then it would be nice to show that in the budget. Mr. Cook noted that that was the amount of the General Fund appropriation to Public Works, total....not to the road building portion, necessarily, but to the operations of Public Works in all areas. Mr. Bowen added that that was true, except for StarTran. Mr. Cook noted that was an important distinction.

Mr. Cook stated if, in fact, it becomes a mandate that a certain portion of sales tax revenues goes to road building, that is just a back door way of saying that we'll have to raise property taxes or cut the police department. Because there isn't enough money there which is to go solely to the road building and not to other functions of the Public Works or any other government function.

Mr. Werner recalled that this issue was brought up in the first SRT Committee and had been defeated. Mr. Bowen commented that it had been mentioned in the second SRT Committee also during the Community meetings held last spring and summer.

Mr. Cook asked about LR 25CA and what the intent of that legislation might be. Ms. Kielty answered that the Law Department had reviewed this and had determined that it is very ambiguous. However, what they're saying is that the State Legislature could make decisions as to what laws a city could pass that would be stronger than a State-wide law. This would be a Constitutional Amendment. Ms. Kielty had never supposed that this would be an issue to go to a vote of the people. Right now, the State has that authority, but apparently they want that authority spelled out in the State Constitution. Mr. Cook asked why we oppose it? Ms. Kielty answered that it is because Lincoln is a "home rule charter" city and would like the authority to pass our own laws. This discussion continued briefly with the notation that this bill might effect the City's smoking ban ordinance if the State passed a law that prevented local government entities from passing or adopting laws that are more stringent or restrictive than the State Law. There is no distinction as to what areas of legislation are covered, which means that flood plain issues would also be affected, as Mr. Werner noted.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS -

1. Discussion on The Community Forum Issue - (Requested by Terry Werner) Ms. Deane Finnegan, Executive Director of Leadership Lincoln, came forward to discuss the City's role in the upcoming Community Forum.

Ms. Finnegan reported that the process being used is a very structured one that was developed at Stanford University. It is a deliberative poll method of community conversation. It's been used very successfully in a number of communities around the nation - most notably in New Haven, Connecticut where they have solved the problems of over-crowding of prisons and under-funding of schools using this process.

The process requires a random selection of participants in the discussion, so we've been spending the last month calling and have most of the participants identified and lined up. They did take a pre-survey. The survey was to collect a base-line on the participants' knowledge and

support of issues like economic development, infrastructure, impact fees, jobs, and quality of life. All of these issues were explored with the group so we have a base-line poll from the participants.

On February 24th, fifty to seventy-five citizens from across Lincoln will come together at Anderson Hall, which is the Journalism College. They will be divided into small groups and in those small groups they will have facilitators who will ask an over-riding question. That question is very broad - it is: "How can Lincoln maintain the qualities we treasure while creating a vital economy and good paying jobs for ourselves and our children"? The small groups will be asked to develop three to five questions for a group of panelists. These panelists will represent views across the [population spectrum]. They will be made up of individuals whose views bridge the gambit from "pro-growth", to "no-growth". We are identifying the panelists and have most of them lined up. The small groups will spend about two hours together formulating questions and discussing the issues, then the separate groups will come together for the next hour and a-half with the panel of experts.

We are being guided in the process somewhat by Dr. Cynthia Farrar who has lead the process in New Haven at least eleven times. She has been giving us good guidance. Ms. Finnegan invited each of the Council Members to attend and observe (she stressed it would only be in an observing capacity) the large group process. The small groups are closed to encourage open discussion, but we are inviting elected officials to come in and observe the large group. She thought it would be helpful to the elected officials because it may give them a reading on what the average citizen is thinking. She noted that there is no guarantee that they'll have all the information that elected officials might like them to have, but it would give officials a baseline to understand, maybe, where government may need to go. If, for example, the citizens are opposed to the Antelope Valley project, an option might be to find a way to sell the message in a different way to convince the citizens [of the benefits].

They will be brought back into small groups at the end of the night and another poll will be done. The research component is to see if the two extreme polar ends will move closer to the center. That is what we want people to do - move closer to the center, to begin making connections between services and taxes; between costs and what they have to do as citizens.

Ms. Finnegan noted that it is a fascinating process and they hope it will work. If it works and the results show what we think they will show, we'll be conducting a series of these over the next few years. There is national funding available and we sit in a pretty good position to get that national funding.

She again offered an invitation to the Council Members to attend. She noted that the meeting would be at 7:00 p.m. at Anderson Hall on Thursday, February 24th. She added that she would send Council Members a letter. She asked that if Members were planning on attending, to let her know so she could provide them with a parking pass. She noted that they would be inviting the County Commissioners and the School Board Members also.

Whether or not the attendance of the Council Members might skew the research results due to possible inhibitions on the part of the citizen participants was discussed. Ms. Finnegan stressed that the Council Members would be only a part of the large group as observers. She noted that they had discussed putting together a small group or two that would not be a part of the research and we would ask elected officials to participate in that small group. But the research component has to be very strictly controlled. There will be other interested citizens who are not part of the randomly selected groups, such as business leaders and representatives from the development community, who may want to come and participate in small group conversations at the same time; she was not opposed to this, if they have the room to do so at Anderson Hall. This group and the elected officials could participate in such small groups but it would not be a part of the research. Your questions would be put at the end of the citizen's question list directed to the panel.

Mr. Friendt noted that he appreciated the fact that the integrity of the research was being protected. He felt the elected officials and business community should have their meeting after the research is provided. It sounds as if someone might effect the conversation by our attendance.

Ms. Finnegan noted that when average citizens come together in small discussion groups, have received pre-reading and back ground information and are given a chance to discuss with their peers and with a panel of experts, they come away better educated, more informed and begin to move toward the center to try to find reasonable responses and no just “knee-jerk” responses. She noted that those who already have an opinion who aren’t likely to change, throw the whole process off.

Mr. Friendt asked if experience wouldn’t have shown that having elected officials show up and just observe doesn’t add discomfort for the participants? Ms. Finnegan answered that it actually adds some validity. They are going to want to know what will be done with their thoughts. She stressed to Council Members that this is just preliminary - with an early, small group. Some issues may come out of this group on which we will want to move forward and hold large group discussions. They will need to have elected officials, those who are responsible for moving things forward, to at least hear what they’re saying.

Ms. Finnegan stated, in answer to Mr. Werner’s question about the size of the group, that it would be between 50-75 citizens; although the sample is about 100-120 individuals, usually with absences and weather, we anticipate from 50-75 participants.

Ms. McRoy, too, was concerned about the presences of elected officials skewing the discussion. Ms. Finnegan commented that they cannot control what the groups say, but we can control the exchanges from becoming an attack. She felt the facilitators are very good at their jobs and there will be some persons serving in a regulatory role to keep the process civil. She noted that these people involved are really just very interested citizens who are anxious to come together and be heard. Their opinions may range across the board, but this is an attempt to get people to a common center point and move them to begin to discuss issues in a civil way. Ms. Finnegan stated that Dr. Farrar believes that having elected officials in attendance at the large group would be a good thing to do.

Ms. Finnegan stated that she would send a letter with more details to Council Members this week. She thanked Council for giving her the opportunity to present this information to them. Mr. Werner noted that she would be back next week to discuss the Council Retreat restructuring plans. She indicated that she would send that report to Council Members for their review prior to next week’s meeting.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Mr. Friendt asked when Council would take up the issue of the Mayor’s recent veto [on Resolution A-83183 regarding the appeal of the Wachal Pet Health Center at 201 Capitol Beach Blvd from Arterial Street Impact Fees]. Mr. Roper stated that it could be addressed next Monday [February 14th]. Mr. Friendt wanted to be sure that that time-frame would still be within the guidelines. Mr. Werner asked if the motion has to be made today? Mr. Roper stated that it did not, explaining that the Charter says that when the Mayor vetoes legislation, the Council must take the matter up at its next regular meeting. Mr. Cook stated that today is the next

regular meeting. Mr. Roper stated that, in reading the Charter, it'll be next Monday. He added that the Council could take it up today if they would choose to do so. Mr. Cook asked then, even though the Mayor's office has given us this veto letter, it only counts when it is on the Agenda as an official communication? Mr. Roper stated that that was correct, assuring Council that they would be within the guidelines for consideration at next Monday's meeting.

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - Mr. Svoboda notified Council that relating to the LB730, the bill that discusses the changes of provisions of the Nebraska Clean In-door Air Act that would not allow Lincoln's ban to remain in effect, it has now been stated that Lincoln would be the only one affected until this bill passes. Mr. Svoboda informed Council Members that he has been asked by the Health Department to testify in opposition to this bill. He noted that he has been speaking with the Mayor's office and he would now ask Council in what capacity they wanted him to testify at the hearings. He asked if they would want him representing Council at all. Council, after a brief consideration, agreed that Ken should represent the Health Department in his capacity as a Board of Health Member when he testified. There was also a brief discussion on the public's passing the ban, thus taking the issue out of the Council's authority.

TERRY WERNER - Mr. Werner had a request. He questioned why the City was ticketing in the Haymarket on Friday and Saturday nights for parking violations. He felt that, unless the ticket was prompted by safety concerns, it was just bad P.R when we're trying to encourage people to come to the downtown area. Council discussed the validity of uniformly enforcing city ordinances. If there is a concern in doing that, perhaps an ordinance change would be in order. It was noted that this issue comes up every now and then with the issue always being decided in favor of enforcement of city ordinances as the only lawful option - with no deviations, unless there is a change to the ordinance. Ms. Newman also mentioned the poor signage in downtown parking areas and the rigorous enforcement practices being used and felt these issue should, perhaps be discussed with the DLA.

Discussion continued briefly with concerns being expressed, such as having the Urban Development Department removing some existing parking downtown to make the area more pedestrian friendly. Signage was again mentioned as an important concern in the equation. There was no final decision made except that if changes to enforcement were to be made, it would have to be done through an ordinance change.

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORRIE KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12.20 a.m.

cm020705/jvr