

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, APRIL 10, 2006
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

1. Minutes from Directors' Meeting of April 3, 2006.
2. Minutes from Council Members' "Noon" Meeting of April 3, 2006.

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

1. Public Building Commission (Camp/Cook)
2. Parks & Recreation Advisory Board Meeting (Cook) - **CANCELLED**
3. Community Development Task Force Meeting (Marvin)

OTHER MEETINGS REPORTS

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS - NONE

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. Volunteer Partners - 4th Community-wide Volunteer Recognition Event - Celebration on Sunday, April 30th from 2:00 p.m. to 3:30 p.m. at The Lancaster County Extension Education Center, 444 Cherrycreek Road - (See Invitation)
2. 2006 Lincoln & Lancaster County Environmental Awards Luncheon on Thursday, April 27, 2006 from Noon to 1:30 p.m. at The Nebraska Champions Club, 707 Stadium Drive - COMPLIMENTARY FOR COUNCIL - RSVP by April 21st - (See Invitation)

3. Invited to a Buffet Lunch & Learn event on Monday, April 17, 2006 at Valentino's, 35th & Holdrege in the private dining room - Lunch from 12:00 to 12:45 p.m. followed by the panel presentations until 2:30 p.m. - RSVP by April 10th - Cost: Please be prepared to pay \$7.00 for lunch at the door with cash or check; checks payable to LLCHD - (See Invitation)
4. Lincoln Police Department's Citizen Academy Graduation & Awards Ceremony on Thursday, April 20, 2006 at 7:00 p.m. at Embassy Suites Hotel, 1040 "P" Street - Reception Following - (See Invitation)

VIII. ADJOURNMENT

**CITY COUNCIL NOON MEETING
MONDAY, APRIL 10, 2006
MINUTES**

Council Members Present: Ken Svoboda, Chair, Patte Newman, Vice-Chair, Jonathan Cook, Dan Marvin, Robin Eschliman, Jon Camp, and Annette McRoy.

Others Present: Mark Bowen, Ann Harrell, Rick Hoppe, Mayor's Office; Dana Roper, City Attorney; Police Chief Tom Casady, and Tammy Grammer, City Council Staff.

I. MINUTES

- a) Minutes from Directors' Meeting of April 3, 2006.
- b) Minutes from Noon Meeting of April 3, 2006.

Chair Ken Svoboda, by acclamation of the Chair, approved the minutes. No objections.

Svoboda requested Police Chief Casady respond to the letter received regarding "Fat Nappy's" and comments made by Investigator Fosler. Chief Casady stated he knew what Investigator Fosler said and agreed that if you can't get voluntary compliance then you can obtain a search warrant and seize equipment which is causing the disturbance. Regarding the statement on lodging people, officers have a choice when they arrest someone for a misdemeanor crime to whether log the person in jail or release him/her with a citation. There are guidelines in State statute. Generally people are release with a citation unless they represent a threat to themselves, or others, if they will destroy evidence, or have a history of failure to appear in court. Notice of ties to the jurisdiction to ensure responses/appearance to citations are laid down in statute. An example would be out to town band members probably fall into the category of no significant ties to the jurisdiction and potentially lodged in jail. Generally people are cooperative and willing to stop the disturbance but Fosler is correct if you can't abate the disturbance to use the legal tools available when seizing the equalivant pursuant to a search warrant. Bowen added he has read the letter and assume they'll work with Roper on a response.

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

1. Public Building Commission (Camp/Cook)

Health Department

Camp report the Health Department expansion was discussed and fiscal report reviewed. Money borrowed was twelve million under a bond covenant in which approximately three million had to be in escrow or trust funds. Out of the remaining nine million, which is money potentially able to be spent now, are about \$650,000 under budget. Good news being we're around eight pont four million, out of the nine million, plus three million in escrow which at some point we'll ask to pay back with interest.

Cook commented there's still more to be spent. Camp stated he didn't believe they spent the eight point four million and with the continency of the nine million essentially approximately six or six-fifty has not been allocated or spent. Marvin asked about the escrowed three million, would it be for overruns? Camp stated he couldn't give exact breakdown but essentially when the City does a lot of bonding has different reserve accounts to make sure bondholders are paid on time. Stated the quarter seems high, but doesn't remember the breakdowns. Svoboda added administrative costs are added but also through three million seemed high.

Courthouse Plaza

Camp reported an offer was made to tenants who might want to move out earlier. Sitting status quo now as it doesn't appear that would work. Discussed revisions on phasing in with several approaches. The conclusion is being called, The Phasing Option Number Three. Basically look at going to the 900 J Building initially. If we went right to the Courthouse Plaza would end up relocating groups of people several times and so now the direction is to work on the J Building and relocate Juvenile Services permanently there. The second phase would be going into Courthouse Plaza and getting the building empty in order for the construction to be unfettered while working.

Camp added they were talking about putting the Public Defender and Adult Probation in the Courthouse Plaza, but the Defender's needs are growing and may take the whole building over. Adult Probation may need to look at staying at the jail now.

Camp added Killeen brought up good points, stating the County has reached the point where standards and jail overcrowding is quite an issue. Commissioners Hudkins and Workman confirmed they'll probably look at grounds by the end of 2008 and have a new jail facility. They have commissioned architects to do feasibility studies of sites. Marvin asked how the County would pay for the expansion of the jail. Have to issue a voter approved bond or? Camp replied the County Commissioners would decide on an approach. For example, if it became part of a City-County complex potentially look at issuing something through the Building Commission, and then do a lease back from the Public Building Commission. We haven't really been presented with any financials as of now. Believes the key is having the interaction of County officials, the Public Building Commission, as there are major things the County replies to, but the City has a lot of interplay. Roper added the jail was the City's at one time before the County complained about the cost of prisoner costs rising and believed the County could better manage.

Camp asked if the Public Building Commission, itself, doesn't own property? Roper said they cannot by statute. Property has to be vested in City, County, or jointly. Camp said essentially the Building Commission and these properties receive it's leasing from the City, County, or together as one entity. Cook said some trees will have to be removed and the insurance has been clarified between the City and the County on these public buildings. Camp added on the flooding at the Hall of Justice the insurance company offered items for approximately twenty-five cents on the dollar. Have made a motion to buy some which would be used for a potential police substation or for inventory at a good savings.

Cameras

Camp also reported they talked about the surveyance cameras and where to place. Cameras are places around the City-County campus. Cook said with some of the new ideas on the cameras package, upgrades, digital recorders, the price could be approximately \$100,000.00. Believes there is a need to look into details and see what is, or what isn't, necessary. Other issues being pursued include the Building Commissioners providing more access to the 911 door to entrusted employees and possibly setting up a system whereby the door is better monitored by the security staff up front. With the 911 hoping to find a solution as a lot of employees are concerned about the current policy, thinking it's unfair and doesn't add to security.

National Parks Program

Camp said another significant item was the National Parks Program discussion. Will be pursuing a grant, and securing some art work here in the public forum. Cook added possibly an art rail could be put up along the hallway in order to hang artwork. Will investigate with the Building Commission.

2. Parks and Recreation Advisory Board Meeting (Cook) (Cancelled)

3. Community Development Task Force Meeting (Marvin)

Marvin report since they did not have a quorum the three action items which require a vote were deferred until the next meeting. Discussion held on the Community Development Block Grant money with the belief there will be a hard cut in money from the Federal government. The way Urban Development processes is their calendar years. May received two million from the Federal government for CDBG and they'll cut by 10%, taking it to one point eight. Will not be operating under the smaller budget until the '06-'07 budget, even though that's already been implemented. The thought is for the '07-'08 budget there will be another 20% cut as proposed by the Bush Administration. We would be looking at about another 3% cut. These are not reductions in growth, but are just dollar cuts. From two million now would be down around a million and five. Urban Development has built into CDBG certain fixed staff costs and so the variable side we have for spending money will take the bulk of these cuts. Marvin also stated they presented awards to people voted doing the most for Urban Development and to the park in Havelock, one to UPCO for a development project, to a grocery store for the facade work. The grocery store had pictures taken by a well known artist and some of this artwork will be shown in this building.

4. LPED (Eschliman)

Eschliman report the Milkin Study did a report on 400 metropolitan area based on economic performance over the last five years, which included tool employment growth and specific technology related factors. Lincoln jumped to number 72 from number 80. LPED will be maximizing technology when they travel to Philadelphia in April taking some technology park folks along and capitalize on our good news when traveling to other cities trying to recruit jobs. Marvin comment on the report Omaha is listed at approximately number 114. They only tracked 200 cities. In the survey probably five of the top ten were in Florida, all impact fee cities.

McRoy asked if the search has started for a new Chamber director? Eschliman replied she hasn't heard anything.

III. APPOINTMENTS/REAPPOINTMENTS

Hoppe had none to report.

IV. REQUESTS OF COUNCIL

Mark Bowen

Bowen reported the Street Council should occur in May. Marvin stated before voting on annexations and agreements would appreciate all information. Bowen said internally talked about need for people in tax statement to go through the grievance. Will be a cover sheet, identified, the impact fees annexations may have, need for future rate, or current funds. Haven't done in the past but growing at a good rate and should be aware of what's eventually needed.

Bowen stated possibly the need for an executive session on how the City Council responds to requests and how they are portrayed, represented, and treated in lawsuits. Could hold session this Monday. Cook requested in the discussion to include E&O insurance, what the City provides cover elected officials and city staff. Should understand if we are personally at risk versus the City being the agent center. Newman asked if anyone answered Peo as to when they want to be disposed and if we were going to be represented by counsel or wait to respond after the executive session? Bowen replied the session would be the place to answer all questions, as they are sensitive and complicated.

Bowen said making process with City departments as to budgets being prepared. The Mayor probably will start briefing Council on the budget status on her next monthly meeting.

V. MISCELLANEOUS (None)

VI. CITY COUNCIL MEMBERS

Jon Camp

No comment.

Jonathan Cook

No comment.

Robin Eschliman

Will be out of town the Monday being planned for executive session. Also, two amendments for the police station. The first Kent Seacrest, in working with her, drafted language for a cap on CPI. As stated in the lease it's subject to increase based on inflation but here suggesting a cap as inflation gets out of control. Will still be increases and we might want to run numbers to determine what the cap should be. Second on the Right First Refusal language would we be willing to change the term around first offer. Instead of a bidding war possibly come to use first giving us the ability to get an appraisal and realize the market value of the building. If they would agree to this could have an amendment together.

Eschliman would also like to propose some opportunity to reduce rent if we possibly could. There are no competitive general contractors bidding, just one general contractor. Suggestion made that perhaps bid this to subs,

and have an open book policy. Given the fact construction has dropped in Lincoln there are a lot of sub-contractors who might be interested in a bidding process which would realize savings to the City. Cook commented with Kent Seacrest present possibly get feedback explaining if the thought was the language was acceptable and if we were to amend to include, it would be okay?

Seacrest answered affirmatively. On the third amendment both Eschliman and he realized would not work as it included a west and a east project. The east project would be the police substation. Were trying to negotiate one contractor to do both at a fixed price. Camp added on the same issue had spoken with Wynn Hjermstad regarding last October's article on the police station and getting copies of actual proposal with the only bidder. Would like to see the Council schedule executive session in order to understand what the proposal was because if we didn't approve the lease we would be sued because we agreed to lease last fall as part of the redevelopment. Statement made we can quickly get copies of what was submitted. Proposed to rent at \$12.50 originally and with negotiations now at \$10.00. This wasn't a committee, but a proposal and the rent is \$11.78 on average for 15 square feet. Cook said there are two issues, one before us and the second is a different process.

Dan Marvin

Wanted to talk to Ross about implementing the ambulance and Community Health will but the rate increase was something they wanted immediately. Camp appreciates all questioned and would like to see a resolution to adopt the recommendations and to request the Human Health Endowment with verification from this Board. Did wrestle on how the City would follow along. Marvin stated if a vote would be okay from the Council to endorse the overall recommendations.

Cook asked if this involved what about the rate increase legislation? Talking about as a separate piece of legislation and have we introduced on the agenda? Camp replied he thinks a resolution overall is that recommendation is made to this committee and whether the Council all agree to those. A lot of good ideas and also there are people in the administration not sure what it means to have use endorse this package of recommendations. Svoboda asked if there would be a resolution to just accept the report? Then maybe endorse the components that are in our realm. Some are State Legislation issues.

Marvin said he's interested in the nuts and bolts of getting the rate increase through and it has to be something which has come to the Council to vote on. Svoboda said a discussion could answer if we have a 22% to 26% rate increase up front, and then a 4% to 5% increase in the next fiscal year budget? With a 30% increase do we do over a three year period, not having one significant increase in only one year? We have to have those before us on the agenda. Marvin believes it's a legislative thing moving forward.

McRoy thought possibly let the Community Health Endowment take this on and let them guide the implementation of what we're going to do, i.e., lobbying and which things to do right away. Let CHE get their hands around it, and possibly simultaneously start bringing forward things we can, like the west needs to be studied. Svoboda thought involving CHE would have to be done upon request, but didn't know from whom. The committee doesn't have authority to request CHE to do something to delegate the City of Lincoln to something.

Bowen thought to put out on the board and see what the response would be. Marvin felt sure that they would help out. McRoy reiterated she thinks we're jumping the gun. Marvin added the one action item which is a vote on the Council was the increase immediately and just wondering what we'll see in the next weeks or months, or if someone was putting into motion.

Svoboda said they were talking about the next fee increase being in the next fiscal year, which is just nine months off. McRoy added the billing contract comes up in May, to look at it and possibly there's some cost savings. Svoboda recommended waiting to hear from CHE to see if they're willing to look at as an oversight and then work with the Mayor's office on putting together implementation of whether it be an acceptance or endorsement of the report. Then at a noon meeting discuss whether the increase would be done in one substantial amount now.

Cook didn't know if other reports had been accepted as lot of committees issue reports. Didn't think the Council had ever accepted the records and voted on them, they were just committee issues and information to us and the

administration. Svoboda thought any Council member could request a resolution. We can do that or just accept it as we did in pre-council and utilize it the best we can. Marvin said the Mayor is concerned some proposals that are put forward could impact response time, increase costs and reduce the quality of care and therefore believes she would be more inclined to look at individual pieces to see what makes sense for us. Marvin stated this is the reason they recommended studying some pieces because they could have detrimental impact. For instance Alfa Bravo calls which turn into medical emergencies after the call which have an impact on the quality of care. Cook added the need is there to see the impact caused.

Annette McRoy

McRoy stated at a special meeting of the Library Board they were looking at a new facility in the Northwest Territories, which would be Arnold Heights and Air Park. All entities should work together on this type of project. If we do this the Library Board will need \$30,000 for the design with the deadline in June. Do we want to think about joint facilities with Parks and Rec and LPS?

Bowen said they're just starting to have interviews with architects and engineers, and since we have a potential site for the school that would be a factor also. McRoy stated if the city has a site we really wouldn't have to pay for those. Bowen said that is one potential, as the site is owned by the City and an operating agreement with the Airport Authority has been offered. McRoy said her concern was missing out, either with Parks & Rec, or the Library, to do joint planning if it's just a matter of \$60,000. Bowen said we will be involved somewhere, but don't know whether they'll include or need this site, part of the original structure, or just leave a footprint for future expansion. McRoy wanted Council to be aware of all the situation and parties involved.

Patte Newman

No comment.

Ken Svoboda

Svoboda stated Newman and he attended the Sidewalk Quarterly Meeting on Thursday. A number of sidewalks, and a packet from the Mayor with late proofs, will be coming to Council. Cook thought last time Public Works said we're not doing this again as there was a lot of controversy but realize there are needs. Believe it's important to have sidewalks put into new developments, as promised. The older areas have been very difficult to deal with in the past.

Cook question if sidewalks in existing areas were picked based upon citizen requests or areas? Newman responded yes and a number based on their review, adding a list of properties would be coming and should have for the night meeting, on the 24th.

I-80 Commission

The meeting was last Thursday, the night of the storm, and therefore didn't have a quorum. Heard from Douglas County Environmental Coordinator, the Omaha Planning Director, and a report from Sarpy County on how they produce development and move through the development process. Lot of statistical information. Looking at our May meeting as one to have an actual bus tour, and the June meeting maybe hosted by Lincoln, which would have Marvin Krout speaking as the Omaha Director did last week.

VII. MEETINGS/INVITATIONS

Listed on the attend sheet for April 10th.

VIII. MEETING ADJOURNED

Meeting adjourned at approximately 12:25 p.m.