

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, OCTOBER 1, 2007
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

- *1. Minutes from Directors' Meeting of September 17, 2007.
- *2. Minutes from City Council Members' "Noon" Meeting of September 17, 2007.

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

- 1. Internal Liquor Committee Meeting (Eschliman/Spatz/Svoboda)

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. Lincoln Literacy Council celebration for the unveiling of a magnificent work of public art on Friday, November 2, 2007 from 4:00 p.m. to 5:30 p.m. at Lincoln Literacy Council, 9th & "G" Street - RSVP to 476-7323 or by email - (See E-Mail)
- 2. Lincoln Chamber of Commerce invites you to attend the following Ribbon Cuttings:
 - Please RSVP to Kathy Hale at 436-2385 or E-Mail: -
 - A.) Lost In Fun, Inc., 8431 Cody Drive, Suite D on Wednesday, October 3, 2007 at 4:00 pm
 - B.) Sylvan Learning Center, 5715 S. 34th Street, Suite 300 on Thursday, October 4, 2007 at 3:00 pm
 - C.) JTK Restaurant, 201 N. 7th Street on Wednesday, October 17, 2007 at 3:00 pm

3. YWCA Lincoln - 2007 Tribute to Women Awards 27th Annual Celebration on Friday, October 26, 2007 at The Cornhusker Marriott Hotel - 10:30 a.m., Social - 11:15 a.m. to 1:00 p.m., Program & Luncheon - Cost: \$30/person - RSVP by Oct. 17th - (See Invitation)
4. Celebrate our Grand Opening-Nature & Wildlife Decor Gallery at 3203 South Street on Saturday, October 6, 2007 from 5:00 p.m. to 9:00 p.m. - 436-2489 - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM SEPTEMBER 24, 2007.**

**CITY COUNCIL “NOON” MEETING
MINUTES
MONDAY, OCTOBER 1, 2007**

Members Present: Dan Marvin, Chair; Robin Eschliman, Vice-Chair; Jon Camp; Jonathan Cook; Doug Emery; John Spatz and Ken Svoboda.

Others Present: Rick Hoppe, Administrative Aide to the Mayor; Denise Pearce, Mayoral Aide; Trish Owen, Mayoral Aide; Dana Roper, City Attorney; Coby Mach, LIBA; André Mick, LIBA; Kyle Fischer, Lincoln Chamber of Commerce; Mary Meyer, City/County Clerk and other interested parties.

Copy of the Nebraska Open Meetings Act posted on rear wall of Room 113.

Chair Marvin opened the meeting at 11:23 a.m.

I. MINUTES

*1. Minutes from Directors’ Meeting of September 17, 2007.

*2. Minutes from City Council Members’ “Noon” Meeting of September 17, 2007.

Marvin called for approval of above meeting minutes. With no corrections the minutes approved by acclamation.

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

1. Internal Liquor Committee Meeting (Eschliman/Spatz/Svoboda)

Spatz stated ILC is including the question of where the origin of last drink when admitted to Cornhusker Place. Not asking for names of just bars, but Quik Shops/places liquor is purchased off sale.

Svoboda said they did have discussion with one bar owner on high threshold type of activity, including beer bong. This bar owner said they put non-alcoholic beer in their beer bong. Also, the bar is outside of the downtown area and to attract college students/young professionals offer drink specials. They have a 9oz. quarter draws, instead of 12oz., which is served downtown. The bar owner shared concerns, and it is a fact this bar did not have admissions to Cornhusker Detox lately. Ideally what he is doing is right. In the past they had high incidences, but for the past three months have had none.

Spatz commented they talked about Saturdays, particularly the USC Saturday with the activity volume in Lincoln more than had been seen before. The number of tailgating socials produced people going to the restroom outside because of the lack of public restrooms, or port-a-johns. Did discuss for the future possibly with X amount of people, have X number of port-a-johns.

Svoboda said Major, who represents NU Directions, was concerned and commented the number of people is an anomaly, even more than the Notre Dame game a year ago. She stated tailgating on university owned properties was considerably more intense, and even on the east side of Memorial Stadium saw people drinking beers. The drinking was not hidden, and probably a large number came from out of town, and did not realize the harm. But, drinking was unable to be controlled or patrolled at that point. ILC tried to think of a worst case scenario. How often do these anomalies happen? How often will they happen? What will we do in advance? Also, Russ Fosler, Joy Citta, and Captain Kawamoto are working with downtown private lot owners. One lot north of the INS

building had three beer distributors which drew in several thousand people by giving away free beer. The downtown bar owners, represented on the ILC, said they're talking to the beer distributor, saying how will they sell when it's given away? One beer distributor either brought in, or sent out a publication, with at least two or three thousand people attending that particular event, tent. Will have follow up discussions on how to control.

Eschliman added they asked if the disorderly house had any applications to lot owners? Svoboda said the city attorney will investigate and see if an amendment is needed. Marvin commented the parking lot south of the Golds building is not city owned but you see people consuming alcohol. Is this alright in that location? Response was yes. Svoboda thought people probably have issues with State or University owned land being available for alcohol consumption. Svoboda reported Major said letters do go to people using these areas for tailgating, cautioning them to be as discrete as possible. No open cans or bottles. Svoboda thought this would say drink on our property even though illegal, but do more discretely. Svoboda stated he doesn't appreciate this, nor does he think appropriate, but is what UNL has decided.

Camp said the ILC report listed one establishment doing bongos but the end result being no excessive claims at the detox center, maybe a better benchmark? Do we want to arrest them, versus ones causing the high blood alcohol content? Svoboda replied the police department's goal is to try to keep at a minimum. In reviewing bar activity reports nearly every downtown bar has high detox attendance numbers. But in looking at the numbers it isn't quantified to the college age group. There are chronic drinkers in downtown Lincoln in the 25 to 35 year old group. This group has the heaviest admittance into detox, with most being a last drink. The entrance interview at detox now has the question of where did you have your last drink? And responses are their car, Quik Shop locations, or downtown bars. Over the last couple of years can't specify they got drunk at a specific facility. For example, a bar where everyone congregates at the end of the evening. The drinkers may have had too many across the street, but since they were here for their last beer, even if not served, it is the place last attended and written down when brought into detox. If chronic problems arise with specific bar owners we bring the bar owners into ILC and request elimination of the high risk activity.

Camp inquired about a particular establishment whose owners were asked to attend a meeting. Svoboda stated their numbers are about the same as before, but with a new manager. The fact is this is an extremely large bar, with great popularity. In six months the popularity might be gone. Downtown bar drinkers are very fickle, they go where the downtown bar scene is. Emery added if we look at it historically any Saturday night game is a problem. Even with the game starting time at 7:00 pm, people start drinking at 9:00 am. Emery stated he doesn't know the best benchmark, but worry about internet pictures showing bar owners simulating binge drinking. Anything we can do to inform people that beer bongos, any binge drinking, is just plain harmful. If not to you, it's when you get behind a wheel. This is regardless of putting water in beer bongos, but the average person looking at the Internet doesn't know what's in there with their assumption being binge drinking.

2. Problem Resolution Team (PRT) (Emery)

Emery said unfortunately the committee looked at eighteen (18) properties, and hope this amount isn't a precursor to where we're headed. Thanks to the Mayor's office he thought they had the Rosewood Inn property moving towards possible demolition, as it is certainly an eyesore and a danger, or liability, to the City. Hopefully by the next meeting we will see signs of demolition to the Rosewood Inn. Spatz asked where the Rosewood Inn was located. Emery replied by the airport.

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

Pearce stated no reports this week. Will have next Monday.

IV. REQUESTS OF COUNCIL FROM MAYOR

Hoppe stated they're still waiting on people's availability for the Omaha Lincoln City Council Meeting. Also asked if anyone had great ideas of where to host? Checking with the University to see if possibly we could host in an athletic department facility. Marvin said possibly the Haymarket Ball Field since Omaha is considering building a new field they could see how ours is constructed and if it meets their needs. Svoboda commented he has attended a retreat at the ball field and did not consider it to be a good location. Hoppe added last time we had two Omaha City Council members. Mr. Weaver from Omaha stated he would attempt to have more people attend. Hoppe added possibly by offering something more glamorous than usual we'll have a few more attendees.

Marvin thought another alternative would be a stadium skybox. With the skyboxes on the south side, there is a large open area, with chairs, in-between the two sets of skyboxes.

Pearce added the Mayor, with permission of the chair, does plan on attending the audit board hearing, and will have an introductory remark. Herz is also going to speak about the audit types which are included in the set of ordinances, as well as the standards which govern the audits. Eschliman and Pearce had a previous discussion and in response to Eschliman's questions will have an amendment back with relatively minor changes. Will make sure everyone has copy.

V. MISCELLANEOUS

Union Contracts : Marvin stated the Council will have serious input of union contracts next year coming up for vote. The personnel department will come and explain possibly a couple of times, and thinks maybe to have an executive session if receiving details. Marvin added the Council may want a meeting in the December, January time period to let personnel know what areas Council is interested in as far as proposals in the contracts. Eschliman asked if the Council could attend the meetings where they do the negotiating with the Union reps? Svoboda responded only if invited.

Marvin said Council has an opportunity to schedule, and doesn't know if it would be an executive session. Camp said in the past Council received reports, but always after the fact of negotiation of the different steps. Now think Council could be pro-active, with the budget next year, and have a session on items Council is interested in. Marvin said if Council is interested in doing should think of dates in the December - January, to be well ahead of the time frame.

VI. CITY COUNCIL MEMBERS

Camp: No comments

Cook: No comments

Spatz: No comments

Eschliman: Eschliman stated Hoppe does an outstanding job and should receive the superman award. She explained with the Mayor and Marvin out of town she was next in line. Hoppe needed her signature and after hearing her on KLIN he tracked her down and obtained the signatures.

Emery: No comments

Svoboda: No comments

OTHER MISCELLANEOUS: StarTran

Camp asked about StarTran monies, and affirmative action, questioning if there was information Council should know? Hoppe replied they received evaluation from the Federal Government, who looked at StarTran in regards to our affirmative action office and that our affirmative action officer does not report directly to the Chief Executive. They gave a time frame to respond, fairly immediate, but would not jeopardize money in the near future. We need a discussion, not only for StarTran but for the departments accepting federal money. We have, or will be instructing, department heads to look at their federal funds and the requirements so we have a greater understanding of requirements in regards to affirmative action, and then do an evaluation. A step to go before we're ready to talk.

Marvin opened up the StarTran issue to the Council, stating he doesn't know the status of Worth's health. If Council has the hearing on the 8th and Worth isn't available, should we keep the public meeting open? Are there items Worth should weigh in on directly? The 8th is the Second Reading, a Resolution. We can leave open.

Camp stated he wanted a Council Pre-Council as there have been different thoughts in the past on where to go, and it was brought out that possibly we would take a million dollars out of the budget. Marvin replied what he wants to avoid on the 8th, with Council given the question of changing, or not changing routes, is to introduce discussion of route change and reducing funding to StarTran.

Cook commented he doesn't think Council should approve a new plan, with new routes, if there is some intent of Council to make changes in the amount of money StarTran will have. Feel it unwise to reform the system and then introduce the financial. So, a yes vote is a vote to maintain current funding, to reform the structure and to go forward as our long term plan. If there are other ideas, this probably should be held up. If so a proposal would be brought forward to the StarTran Advisory Board to make other changes.

Spatz asked if there is an intent to reduce funding which should come forward at the first part of the hearing? Marvin thought they had done that, a few weeks ago said if people want to do, at the end of a meeting could make motion that we reduce funding level by X amount of money and give directions to the StarTran Advisory Board to come back with bus routes which provide that level of service. Then would have new bus routes. He doesn't want to approve bus routes and then say now we have to cut them. For the Council to make a cut in the bus system we're getting to the point where you have to start speaking, or holding your peace, on cuts as we can't do both. There's an opportunity for doing which is from within the dias to say I move to make this kind of fiscal cut, and putting to a vote. Otherwise we maintain the routes we have, or provide a different level of service that's fiscally neutral.

Emery thought if that is the decision, should hold a public hearing. In terms of this package, as it would be irrelevant, or talking about things we don't know about, as we don't know what kind of route changes there could be. Marvin stated they'll have people coming on the 8th to discuss the proposed routes. He asked Council to clear this question out of the way before the 8th, and if the question isn't put on the table would assume we're dealing with changing to a new system, or leaving the same. Cook stated someone could make a motion today to delay the public hearing if they felt they prepared for next week on direction to the StarTran Advisory Board. Would note when

you say we can make the motion from the dias it's not a binding motion, simply direction of the fact that more members of the Council might vote for it, and give direction to the Advisory Board, but would not be taking any official action.

Owen asked if advertised doesn't the Council need to formally open the hearing and accept comments and then can keep the hearing open, but have to open the public hearing? Roper asked if it was advertised for today, or next week? Owen thought it was in the agenda. Roper said could possibly correct before next week. Camp commented today may be the time to have a motion to delay or put on pending. He thought there would conversation and then could step back and gauge where to go. Marvin said he talked to Cary and Worth, and this would be the third path, which is go ahead with what we have, if the routes are approved, or existing routes maintained, we have them prioritize the route structure, so we can provide some certainty and give direction to the StarTran Advisory Board, to bring the level of services, routes, that we'll provide services to for a long time.

Cook added he thinks Council needs to be very careful, because base route concept implies there will likely be cuts in the routes with smaller priorities, and then would really shake up this plan. Even thinking of going that direction perhaps is not the way to prove effective without more information.

Svoboda's opinion was that Council follow through with the public hearing as there maybe individuals stepping forward saying to look at a base route concept, as opposed to having an arbitrary number thrown out and suggesting StarTran cut that amount. Would rather go back to a zero base operation. First, define base on ridership where our core, or base routes, will be and then move forward with a process that we, Council members, didn't have a lot of input other than going through the public process, and being neutral and discussing routes. It was Mayoral and StarTran Advisory Committee driven and this is the opportunity to take public testimony and say the majority is certain of what this particular revenue does. Would like to look at the base route option, and put before the public process. If it takes time at least we will do right the first time, as opposed to injecting new routes, having people get comfortable with services and later go back to different routes. No problem following through with the process we're doing, and if necessary put on pending.

Camp said he agrees but the idea is wanting to help people make long term living location choices, and using public transportation to help. Let people know up front that we may put on pending, or not. Camp added he has enough questions and personally hates to vote, whether up or down, as a lot of people spent a lot of time and effort and just now coming before us. Hate to close the door and think we could have some good testimony.

Cook said with the public there may be people today who are aware of what might be discussed next week, and might testify regarding the base routes or a cut to the system, informing us in a different way. But believes the public majority will be speaking specifics of route changes. Without additional advertising cannot imagine Council will hear a lot of feedback, pro or con, and a concern. This would be a reason to hold for public hearing and have additional public discussion, inviting people, or even have a resolution on the agenda, to attract attention.

Emery said he would be concerned if we change perimeters of the financing, we change perimeters of what the consultant suggested. The decision should be made and then go forward if the decision is not to cut. If to cut we send everyone back with our recommendations.

Camp added this is a shortcoming of our legislative approach in that we let an outside body go

through this and then present, and we didn't have an opportunity in-between getting this and what comes before us. The State manufactures what comes before us, and we're in the reactive posture. Believes it is critical Council become pro-active and get consultants to give opinions, but it doesn't necessarily mean we follow it.

Marvin stated he doesn't think Council could introduce too many questions. If it's a question of physically constraining the buses, let's get answered prior to the discussion hearings. Cannot have a hearing on proposed bus routes, which have one set of fiscal constraints and suddenly introduce another question saying let's reduce the number by a million dollars. Marvin did make calls and if possible have a noon meeting to discuss. If it is the will of Council to make this kind of fiscal constraint, let's get out in front and we'll scrape the whole process. Will not do other, won't have people come testify because we'll change the nature of the question. We need to have this out early. If there's the vote to do then would be by the majority. But if the vote isn't there, or the people don't make that motion, then let's discuss the merits of the proposal versus what we have now and decide, as it is an either/or question. He doesn't see how Council can introduce, with Council's way of doing, which is either yes or not, with a third option and the fiscal constraints. We have to put constraints in now, get the question out, have it answered, and if yes, let's constrain more fiscally, send it back, and get new routes so we can vote on those.

Cook asked what the consultant cost was? Marvin thought one or two hundred thousand. Cook commented there maybe possible additional costs for consulting needed to have a different set of routes, and regarding pro-active or re-active, we had a Council Member on the committee and think Council Members were involved. When cuts were forwarded, assume Newman supported this particular direction. Now if the Council, as a whole, felt it was the wrong direction a year ago it would have been helpful to bring forward. Going back to reform will be costly and time consuming. Thinks Council did have a chance to weigh in at that time, and Council, or no one from the public said we should cut a million dollars. Camp said maybe there wasn't the words of base routes, but have been talking corridors for two years, and did discuss. Cook added there was no direction given by Council to say we didn't agree with the Mayor's direction on the committee. Svoboda commented if looking for a straw vote, he thinks to follow through with the public hearing next week and if Council has questions, possibly the majority of the Council would put on pending.

Eschliman stated she made a proposal to cut \$250,000 out of the bus budget, and was the only vote. The rest of Council wanted to get this before making that kind of decision. Seems now that we have it, have a public hearing and make the decision whether to cut the budget or not. Because we passively gave approval to status quo.

Emery said in the interest of the public would say to go forward and say what will be discussed, and have a public hearing. You've given the public a date and at the same time say we're going to cut a million dollars. You've given a debating switch. Whatever direction Council decides to go do think there is incumbency in honesty about the fact we're going to discuss what is doable. If cutting a million dollars, this report is not doable. If the public comes down to talk about this report, and at the same time we say, that's not our direction to go, this is an exercise in frugality.

Marvin agreed and the point he wants to make is to clear the question. By voting this on pending, what are we telling the public? We put on pending but with the idea we're going to put this additional fiscal constraint in and would like to clear this question out of the way.

Svoboda stated the entire Council didn't have input as to the base of charge. The base charge came from the Mayor's office and said, we want you to put together a proposal that is revenue neutral. If

there would have been a vote of the Council at that time, don't know what the vote may have been, but do feel at that time we used the term "core" routes, which had been a discussion two years ago. The question was, "What are you going to do with StarTran?" and at that time several of us said we need to establish "base" or "core" routes. Svoboda said how he accepts the report is going to be based on that information, not an arbitrary number of cuts.

Cook asked if there was value on changing the scope of what the StarTran Advisory Board should be working on? If there were four votes for a significant cut, and directions were given to staff, who work on this, and then spend more money on a consultant for a new plan? Then it would be brought to us. We would then have an entire room full of angry people. The question would be is that really a viable alternative or really isn't what the community will accept, and at that time we vote to go back with it? Do we want any kind of public input on the direction of using the StarTran Advisory Board, and getting additional studies? Or, do we want to do without public input? Feel if we have next week's public hearing we would not really get the feedback.

Svoboda felt the Council would receive feedback based on the route changes. Cook stated it wouldn't be on the larger question, how many people would know? Svoboda said he understands but this is what we have and to at least have the public hearing on this. A great deal of time, effort and money have gone into the study. Would like to have the public hearing and then if the Council says to adopt, we do, and on June 8th changes are made. If there are four or more Council members who say the exact opposite, not knowing if they agree, and possibly don't think it's good structure to put routes in place, make changes, and then change a year or so later.

Cook said because of the concern of different ideas on base routes, if there is going to be some direction given for this problem, one option would be to hold up. Have a resolution drafted, put on the agenda, call for a study of the particular perimeters regarding base routes and look at cut backs. Then the public could speak, could have both on the agenda for public hearing at the same time. This would be well advertised, people could speak, and we could pick one.

Marvin added he might disagree because if Council gives direction back, saying we want StarTran Light, no one knows what StarTran Light looks like. The people who are going to lose service don't know what StarTran Light is. They may be riding an almost full bus thinking it wouldn't be included in StarTran Light. The public is only going to know when we unveil StarTran Light. The public will not know how they will be affected until someone comes with a map saying this is where the service will be. If we're going to task people to do, they'll bring back a proposal, and we can have a public meeting so people know what StarTran Light is. How else will the public know where the routes will be?

Cook said the StarTran Light and the StarTran Standard, might be full powered and they both would be on the agenda potentially? Marvin said when he called around he thought if we were going to go with this reduced formula, we sent them off that, and then this one, the \$200,000 study gets tossed in the wastebasket. That's what we're doing. Cook replied before vote. Marvin stated they were not spending that, they had voted.

Svoboda said that's why he asked if the money spent on the study, plus the work which went into it, how much will be the basis for an additional study of base routes? The reply was a great deal if this goes in. Marvin added there are great maps included, showing where customers live. Svoboda commented even if tossed a great deal will be gleaned from it, if in fact it is the direction Council goes.

Emery added he doesn't think it's wasted but it doesn't represent with certainty the direction we want to go. Worry about the public coming for a public hearing on something which is not the direction this body wants to go. Camp stated he is also concerned. The way it is framed now, talking base routes and so forth, doesn't know if we're going to get the testimony. Cook added to either not have a public hearing, or go forth with a public hearing. If we let it go, it's going to happen, it will be advertised.

VII. MEETINGS/INVITATIONS

See Invitation List.

VIII. ADJOURNMENT

Marvin called for adjournment. With no other comments the meeting adjourned by acclamation at 12:10 p.m.

Mary Meyer
Clerk

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