

AGENDA
CITY COUNCIL ORGANIZATIONAL MEETING
MONDAY, FEBRUARY 9, 2009
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

1. Minutes from Directors' Meeting of February 2, 2009.
2. Minutes from City Council Organizational Meeting of February 2, 2009.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES - None

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS -

1. Discussion regarding the rules for the open microphone at council meetings.
(Requested by Jonathan Cook) (Held over from 02/02/09)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. Updowntowners, Inc. Mixology on Friday, March 6, 2009 at 5:30 p.m. at BVH Architects, Sawmill Building, 440 N. 8th Street - RSVP to 434-6902 or by e-mail - (See Invitation)
2. Lincoln Chamber of Commerce 'Business After Hours' on Thursday, February 26, 2009 from 4:30 p.m. to 6:30 p.m. at Gotcha Covered, 1233 Infinity Court - Cost: \$10/person - RSVP by Feb. 24th to Jaime Henning - (See Invitation)

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL ORGANIZATIONAL MEETING
MONDAY, FEBRUARY 9, 2009

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

Others Present: Rick Hoppe, Aide to the Mayor; Denise Pearce, Aide to the Mayor; Trish Owen, Aide to the Mayor; Judge John Hendry, City Attorney; Chad Blahak, Federal Stimulus Projects Coordinator; and Greg MacLean, Public Works Director

Chair Eschliman opened the meeting and announced the location of the Open Meetings Act.

I. MINUTES

1. Minutes from Directors' Meeting of February 2, 2009.
 2. Minutes from City Council Organizational Meeting of February 2, 2009.
- The above minutes were approved by acclamation.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES - None

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR

Hoppe stated the union negotiations update has been rescheduled to May 18th. Svoboda added February 23rd has no ILC and the meeting on Police/Fire Pension/CAFR could be held at 3pm with Outcomes/Indicators at 4pm. The formal meeting is at 5:30.

Stimulus Projects Discussion Chad Blahak, Federal Stimulus Projects Coordinator
(Attachment A - Federal Stimulus Projects)

Blahak emphasized the City is looking at projects which meet the deadlines passed by the House and proposed version of the Senate bill. In prioritizing looking at road projects which could be completed within the timelines and currently on the project list. One timeline states projects are obligated within 75 days of the bill's enactment.

Obligated means ready to bid, and the first 50% of the formula funding. With the House bill it is approximately \$7.5 million for the City. Fifty percent obligated within 75 days, the second 50% within the year, and federal aid requirements on federal aid funded projects apply.

Blahak said the House has Community Block Grants but not the Senate. Pearce added the bill does not include earmarks and transparency is very important. Will have a website with project information available to the community.

Discussion on the federal stimulus and Camp asked about projects to move forward quickly. Pearce said no one feels they can include the South Beltway. Hoppe said the City has a number of projects.

Marvin and Eschliman made suggestions for stimulus money use. Blahak said the bill makes it extremely difficult for major roadway projects. Marvin thought of shelf projects to receive bids on to use the fund. MacLean replied unless projects are ready to bid they're almost impossible to have

ready in 75 days with the federal restraints, but do have maintenance projects.

Blahak answered to obligate a project we need a clean package to submit. All environmental documents and clean right of way certificates. Some projects take months for federal approval and environmental documents are good for only three years.

Cook stated the City does have maintenance needs. If replacing a street with paving and curbs does it require environmental verification? Money used on existing arterial streets would be very important.

Blahak stated there still are environmental requirements but are a lot less and could do in 75 days. Paving over curb to curb qualifies for a Programmatic Categorical Exclusion.

Svoboda asked if a difference between single partner as opposed to a multiple partner project? Blahak replied yes but multiple partners funding has to be there, and negotiations takes time. Svoboda added we have projects that were to be completed with the wheel tax increase, assuming right of way access.

MacLean discussed projects readiness and funding with an important prioritization on where we can use the stimulus, freeing that money for other local projects.

Svoboda said Public Works had a project list but because of budgets was put on hold. Could the list be resurrected with completed projects marked off? MacLean thinks it may be a good reference.

Pearce stated the City will move quickly once the bill is passed, and Council will hear from Blahak on possible projects for Councils feedback. For the South Beltway no stimulus dollars are available, but is still in our Federal agenda.

V. MISCELLANEOUS

1. Keno Board Doug Emery

Emery stated Council will be receiving the decisions and recommendations of the Keno Board on how to spend approximately \$80,000 relatively soon for review.

2. Discussion on Rules for Open Microphone at Council Meetings Jonathan Cook

Cook stated there was controversy on the appropriateness of constituents speaking early to an issue. The Chair had asked if this was scheduled, or not. The language for signing up does say scheduled, but the open mike session uses the word plan, which we picked as it was ambiguous. Concerned there are items planned for our agenda which are not scheduled.

He thought Council did not want people speaking ahead of processes. The issue was on the Wednesday Planning Commission agenda, and would come to Council. Two constituents jumped in and spoke on the issue. First, with allowing early testimony we'll receive more. Secondly, is open mike appropriate with the Planning Commission meeting coming up? Feel clarification is needed, and if an item will be on our agenda do we say, sorry, there's an appropriate process?

Eschliman stated you're trying to distinguish between the words, planned and scheduled. Cook stated to the extent we can enforce the rule.

Discussion on scheduled items and notice to the public. Svoboda asked if the rules and regulations require an open mike session? Spatz thought it would be a process/procedure question.

Marvin thought fair for the Chair to make the decision. Cook agreed and doesn't think there's a legal challenge. Judge Hendry said there's no precedence and if the matter does come before Council the person has the right to come and speak.

Cook said the word, planned, is a general term and with the word, scheduled, some may feel it more specific. Maybe the phrases could match, with scheduled changed to planned, or eliminate signing up all together? We thought if people signed up in advance departments would be there to answer concerns. Not sure if successful, could remove and leave the phrase, if anyone wishes to address the Council on a matter not on the agenda, or not planned to appear in a future agenda, they may do so.

City Clerk Ross said for the next Council meeting they'll strike the paragraph about signing in.

VI. CITY COUNCIL MEMBERS

Emery	No comments
Svoboda	No comments
Cook	No comments
Camp	No comments
Spatz	No comments
Marvin	No comments
Eschliman	asked Pearce if she wanted Council to email or call anyone in regards to the McGill, LB85, bill. Pearce replied if she hears concerns among the body will appreciate Council support.

Eschliman asked if necessary to receive hard copies of Action taken? Spatz and Cook replied they look on line. Cook added he doesn't need the duplicates and doesn't need the legislative packet, but is it duplicated by law? Judge Hendry stated he would check.

VII. MEETINGS/INVITATIONS

See invitation list.

VIII. ADJOURNMENT

Chair Eschliman adjourned the meeting at 12:18 p.m.



CITY OF LINCOLN
NEBRASKA

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To: City Council
From: Chad Blahak, Federal Stimulus Projects Coordinator
Date: February 6, 2009
Re: Federal Stimulus Plan

We are currently working on a preliminary list of roads projects that may meet the criteria of the stimulus package if and when it passes. At this point, I need to emphasize the word "may." As of the writing of this memo, the House has passed the stimulus bill, but the Senate has not yet completed floor action. The current Senate version differs significantly from the House version. Once the Senate bill passes, the next step is the conference committee, where members from both the House and Senate will reconcile the two bills and propose a final bill for the House/Senate vote.

Both the House and Senate, as well as the President, have made clear that there will be no individual earmarks in the bills. Some dollars will come directly to cities and states via formula funding and other dollars will be awarded through the discretionary grant process. It will then be the responsibility of cities and states to ensure that the dollars are used on projects that create jobs. Transparency will be key, as the federal government will (and should) hold stimulus recipients accountable for their expenditures. To that end, the Mayor has asked me to ensure that in the near future, the City will have a website available that details how any stimulus funds received by the City are spent, how many jobs those funds create, and why a particular project is important to the City.

With respect to road infrastructure funding, please keep the following in mind:

- With the House bill, 45% of the total federal highway aid dollars (\$30 billion) would be allocated through the existing Surface Transportation Program formula, of which 62.5% must be sub-allocated to targeted areas (i.e., MPOs). **MPOs must obligate the first 50% of these formula funds within 75 days.** The remainder must be obligated within a year of the enactment of the stimulus bill. Initial estimates indicate that with this formula, the Lincoln area MPO would receive approximately \$7.5 million.
- At this point, it is our understanding that federal stimulus dollars can be used to replace previously allocated, but not obligated, federal funding. The City would then use the previously allocated funds for other local street projects. These projects have not been identified at this time.
- Again, as of the writing of this memo, the Senate has not

- passed a bill yet.
- Please note that the South Beltway is a state project. Although the City would fully support any request by the State of Nebraska for stimulus dollars for the Beltway, NDOR has indicated that, as the stimulus legislation is currently written, no project for the South Beltway would qualify for stimulus funding. We do, however, plan to include the South Beltway on our 2009 Federal Agenda. That draft document will be forwarded to you in the next day or so.
 - Projects funded under the stimulus must still comply with the federal requirements of David Bacon wage rules, environmental requirements, and inclusion in the Transportation Improvement Plan.

As the Mayor emphasized earlier this week, the City's focus will obviously be on roads projects. However, both the House bill and the Senate bill under consideration include funding for a wide variety of programs that do not involve road infrastructure. For example:

- Sustainable Energy: As of the writing of this memo, both the House and the Senate versions of the stimulus bill include money for the Energy Efficiency Community Block Grant (EECBG) program. This program was recently created by Congress, but it has never been funded. EECBG dollars would allow cities to identify and fund a wide range of energy efficiency and conservation projects. Initial estimates indicate that Lincoln could receive up to \$2.53 million under this program.
- Byrne Grants: As of the writing of this memo, both the House and Senate versions of the stimulus bill include Byrne grant funding. As you may recall, federal Byrne dollars were significantly cut last year. These dollars are critical to our local drug task force, which includes a number of local law enforcement partners.
- Community Development Block Grants (CDBG): The House version included \$1 billion in CDBG formula funding; as of the writing of this memo, however, the Senate version does not include any CDBG dollars. Here in Lincoln, we have successfully used our CDBG funding on a number of projects in our low and moderate income neighborhoods. We may also be allowed to use CDBG stimulus dollars for paving projects.

Thank you for your continued interest in the federal stimulus package. I look forward to working with you in the coming weeks.