THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 5, 2010 AT 3:00 P.M.

The Meeting was called to order at 3:00 p.m. Present: Council Vice Chair Spatz; Council Members: Camp, Carroll, Cook, Hornung, Snyder; Deputy City Clerk, Teresa J. Meier; Absent: Council Chair Emery.

Council Vice Chair Spatz announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

SNYDER Having been appointed to read the minutes of the City Council proceedings of March 29, 2010 reported having done so, found same correct. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; Absent: Emery.

PUBLIC HEARING

APPLICATION OF ONE INVESTMENT LLC DBA COMFORT SUITES FOR A CLASS "I" LIQUOR LICENSE AT 331 N. COTNER BLVD.; MANAGER APPLICATION OF JOHN E. KLINDEL FOR ONE INVESTMENT LLC DBA COMFORT SUITES AT 331 N. COTNER BLVD. - Tim O’Neill, Harding & Schultz, P.C., L.L.O., 800 Lincoln Square, 121 S. 13th St., came forward as attorney for the applicant to take oath and answer questions. He said their liquor license covers a single reception room offering alcohol and light hors d’oeuvres for a few hours. This matter was taken under advisement.

APPLICATION OF KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE FOR A CLASS "I" LIQUOR LICENSE AT 4141 PIONEER WOODS DRIVE, SUITE F; MANAGER APPLICATION OF HYANG KIM FOR KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE AT 4141 PIONEER WOODS DRIVE, SUITE F - Misun Choi, 4141 Pioneer Woods Dr., came forward to take oath and answer questions. This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 1, 2010 THROUGH OCTOBER 9, 2010 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 5, 2010 THROUGH AUGUST 28, 2010 - Linda Hubka, 3169 Puritan Ave., Market Manager for Haymarket Farmers’ Market, came forward to answer questions and report that this is their 25th year. This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT; A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES; AND, A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $3,362,000 PRINCIPAL AMOUNT OF THE CITY’S INDUSTRIAL DEVELOPMENT PROMISSORY REVENUE NOTE (NEBRASKA SCHOOL ACTIVITIES ASSOCIATION) SERIES 2010 - Lauren Wismer, Gilmore & Bell, Bond Counsel, 1248 O Street, Suite 710, came forward to clarify that due to favorable interest rates, this transaction is a refinancing of the original transaction done in 2007. This matter was taken under advisement.

AMENDING SECTION 9.44.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS REGULATION TO DEFINE "PERMISSIBLE FIREWORKS" IN THE CITY OF LINCOLN TO CORRESPOND WITH PERMISSIBLE OR CONSUMER FIREWORKS AS DEFINED IN NEBRASKA STATUTES - Council Vice Chair Spatz handed the gavel to Council Member Camp to speak on this ordinance change. He stated that in an effort to keep fireworks sales in Lincoln, he proposes that what is legal in the State of Nebraska should be legal in the City of Lincoln. He also said that if future discussions justified it, he would consider introducing an amendment that would add two extra days for use & sales of fireworks, being July 1st & 2nd. Council Member Snyder spoke in support of this ordinance change as it would bring income to the City of Lincoln.
Rod M. Confer, City Attorney, came forward to answer questions. He said the State Fire Marshal has a 29-page listing of permissible fireworks in Nebraska. He said changes in the legislature will further broaden availability of fireworks to the public.

Bill Moody, Chief Fire Inspector with the Bureau of Fire Prevention, came forward to present history of the fireworks ordinance. He said in the early 1980’s, citizens approached the Council with concerns of high disturbances, injuries & fires in a state-mirrored, 10-day fireworks use & sales time span; hence, their use & sales were reduced to two days (July 3rd & 4th) in the City of Lincoln. In response to Council Chair Spatz’ report that one large fireworks stand could yield as much as $75,000 - $100,000 in sales, Mr. Moody said his department issues 55 to 63 permits within city limits annually.

In closing, Mr. Spatz said the City currently has an impossibly unenforceable law regarding fireworks usage. He stated the State has 29 pages of allowable fireworks vs. Lincoln’s seven allowable fireworks. The ordinance change will allow Lincoln to reap the sales tax benefits of State-allowed fireworks previously sold only outside of the City.

This matter was taken under advisement.

APPROVING TWO UNIT PRICE CONTRACTS BETWEEN THE CITY, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND LANCHA NURSERIES AND IMAGESCAPES, INC. FOR MISCELLANEOUS LANDSCAPING INSTALLATION AND MAINTENANCE SERVICE FOR TWO-YEAR TERMS WITH OPTIONS TO RENEW EACH CONTRACT FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING THREE UNIT PRICE CONTRACTS BETWEEN THE CITY AND DELL CORPORATION, FLORIDA MICRO, AND SDF PROFESSIONAL COMPUTER SERVICES, INC. FOR ANNUAL REQUIREMENTS FOR ANNUAL SUPPLY OF NETWORK STOCK FOR FOUR-YEAR TERMS - Bob Walla, Asst. Purchasing Agent, came forward to answer questions about these multi-year contract approvals.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING RUTHLENE SITTLER, CARL TESCH, DEANNA AGUILAR AND BARRY MOORE TO THE AGING PARTNERS AREAWIDE ADVISORY COUNCIL FOR THREE-YEAR TERMS EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85795

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ruthelen Sittler, Carl Tesch, Deanna Aguilar and Barry Moore to the Aging Partners Areawide Advisory Council for three-year terms expiring July 1, 2012, is hereby approved.

Introduced by Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION FOR NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION FOR UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT. - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 22, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 28, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)
PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 19, 2010 AT 3:00 P.M. FOR THE MANAGER APPLICATION OF SOLOMON SPATARO FOR THE PEACOCK INDIAN CUISINE, INC. DBA THE PEACOCK INDIAN CUISINE LOCATED AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85796

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 19, 2010, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Solomon Spataro for The Peacock Indian Cuisine Inc. dba The Peacock Indian Cuisine located at 2801 Pine Lake Road, Suite W.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jayne Snyder
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

LIQUOR RESOLUTIONS

APPLICATION OF ONE INVESTMENT LLC DBA COMFORT SUITES FOR A CLASS "I" LIQUOR LICENSE AT 331 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85797

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application, as amended, of One Investments LLC dba Comfort Suites for a Class "I" liquor license at 331 North Cotner Blvd., Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.
2. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
3. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR ONE INVESTMENT LLC DBA COMFORT SUITES AT 331 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85798

WHEREAS, One Investment LLC dba Comfort Suites located at 331 North Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John E. Klimpel be named manager;

WHEREAS, John E. Klimpel appears to be a fit and proper person to manage said business:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John E. Klimpel be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

APPLICATION OF KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE FOR A CLASS "I" LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE, SUITE F - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85799

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kinja Inc. dba
Kinja Sushi & Japanese Cuisine for a Class "I" liquor license at 4141 Pioneer Woods Drive, Suite F, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF HYANG KIM FOR KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE AT 4141 PIONEER WOODS DRIVE, SUITE F - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Kinja Inc. dba Kinja Sushi & Japanese Cuisine located at 4141 Pioneer Woods Drive, Suite F, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Hyang Kim be named manager;

WHEREAS, Hyang Kim appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Hyang Kim be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

ORDINANCES - 2nd READING & RELATED RESOLUTIONS (as required)

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 1, 2010 THROUGH OCTOBER 9, 2010 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 5, 2010 THROUGH AUGUST 28, 2010. (3/22/10 - P.H. Delayed to 4/5/10) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th and 8th Streets, from May 1, 2010 through October 9, 2010 and on 8th Street from P to Q Street from June 5, 2010 through August 28, 2010, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT; A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES; AND, A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $3,362,000 PRINCIPAL AMOUNT OF THE CITY'S INDUSTRIAL DEVELOPMENT PROMISSORY REVENUE NOTE (NEBRASKA SCHOOL ACTIVITIES ASSOCIATION) SERIES 2010 - CLERK read an ordinance, introduced by Adam Hornung, authorizing the execution and delivery of a Lease Agreement; a Deed of Trust, Security Agreement of Rents and Leases; and, a Tax Compliance Agreement in connection with the issuance of not to exceed $3,362,000 principal amount of the City's Industrial Development Promissory Revenue Note (Nebraska School Activities Association) Series 2010, the second time.

AMENDING SECTION 9.44.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS REGULATION TO DEFINE "PERMISSIBLE FIREWORKS" IN THE CITY OF LINCOLN TO CORRESPOND WITH PERMISSIBLE OR CONSUMER FIREWORKS AS DEFINED IN NEBRASKA STATUTES - CLERK read an ordinance, introduced by John Spatz, amending Section 9.44.010 of the Lincoln Municipal Code relating to fireworks regulation to define "permissible fireworks" in the City of Lincoln to correspond with permissible or consumer fireworks as defined in Nebraska statutes; and repealing Section 9.44.010 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING TWO UNIT PRICE CONTRACTS BETWEEN THE CITY, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND LANOHA NURSERIES AND IMAGESCAPES, INC. FOR MISCELLANEOUS LANDSCAPING INSTALLATION AND MAINTENANCE SERVICE FOR TWO-YEAR TERMS WITH OPTIONS
REGULAR MEETING
APRIL 5, 2010
Page 407

TO RENEW EACH CONTRACT FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85801
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the two attached Unit Price Contracts between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Lanoha Nurseries and ImageScapes, Inc., miscellaneous landscaping installation and maintenance service, for two-year terms with options to renew each contract for one additional two-year term, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

APPROVING THREE UNIT PRICE CONTRACTS BETWEEN THE CITY AND DELL CORPORATION, FLORIDA MICRO, AND SDP PROFESSIONAL COMPUTER SERVICES, INC. FOR ANNUAL REQUIREMENTS FOR ANNUAL SUPPLY OF NETWORK STOCK FOR FOUR-YEAR TERMS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85802
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the three attached Unit Price Contract Agreements between the City of Lincoln and Dell Corporation, Florida Micro, and SDF Professional Computer Services, Inc. for annual requirements for annual supply of network stock for four-year terms for the approximate total amounts provided in each supplier's response to the bid, upon the terms as set forth in said contract agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER A BY CHANGING THE PAY RANGE OF THE CLASSIFICATION CRIME ANALYSIS MANAGER - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by changing the pay range of the job classification "Crime Analysis Manager" from A1- to A13, the first time.

CHANGE OF ZONE 10004 - APPLICATION OF JUAN AND DANA RODRIGUEZ FOR PROYECTO CULTURAL FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 22ND STREET AND Y STREET - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, RELATING TO EMPLOYEES IN A PAY RANGE PREFIXED BY M TO PROVIDE THAT 65% OF AN EMPLOYEE’S ACCUMULATED SICK LEAVE WILL BE PAID UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE; AMENDING SECTION 2.76.395, VACATION LEAVE WITH PAY, TO INCREASE THE MAXIMUM NUMBER OF VACATION HOURS THAT AN EMPLOYEE WITH A PAY RANGE PREFIXED BY E MAY ACCUMULATE OVER AND ABOVE THEIR ANNUAL EARNING RATE FROM 40 TO 80 HOURS; CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City’s Personnel System by amending Section 2.76.380, Sick Leave with Pay, relating to employees in a pay range prefixed by M to provide that 65% of an employee's accumulated sick leave will be paid upon retirement, death, or reduction in force; amending Section 2.76.395, Vacation Leave with Pay, to increase the maximum number of vacation hours that an employee with a pay range prefixed by E may accumulate over and above their annual earning rate from 40 to 80 hours; and repealing Sections 2.76.380 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the third time.
COOK Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

The ordinance, being numbered #19366, is recorded in Ordinance Book #26, Page 26.

(Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:  
A-85801

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

(Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:  
A-85804

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 19, 2010, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con’t. w/Action to 9/14/09) (9/14/09 - P.H. con’t. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) (3/15/10 - Removed from Pending to have 1st Reading on 3/22/10) (Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Senior Attorney," the third time.

HORNUNG Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Hornung, Snyder, Spatz; NAYS: Camp; ABSENT: Emery.

The ordinance, being numbered #19367, is recorded in Ordinance Book #26, Page 26.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con’t. w/Action to 9/14/09) (9/14/09 - P.H. con’t. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) (3/15/10 - Removed from Pending to have 1st Reading on 3/22/10) (Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the position of Attorney II from an M03 ($61,228.96 - $119,394.08) to an M02 ($48,821.76 - $99,569.60), the third time.

HORNUNG Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Hornung, Snyder, Spatz; NAYS: Camp; ABSENT: Emery.

The ordinance, being numbered #19368, is recorded in Ordinance Book #26, Page 26.

AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE
LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) (3/15/10 - Removed from Pending to have 1st Reading on 3/22/10) (Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - PRIOR to reading:

SNYDER Moved to amend Bill No. 09-101 by accepting the Substitute Ordinance No. 2. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

CLERK Read a substitute ordinance, introduced by Jayne Snyder, amending Chapter 2.78 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.78.020, Management Compensation Plan; Annual Leave, relating to employees in a pay range prefixed by M, to delete the provision regarding forfeiture of unused leave and to amend provisions for carry over of annual leave; adding a new Section 2.78.027 relating to longevity pay for employees in a pay range prefixed by M; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, the third time.

Final Vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

The ordinance, being numbered #19369, is recorded in Ordinance Book #26, Page 26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009 (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) (3/15/10 - Removed from Pending to have 1st Reading on 3/22/10) (Related Items: 10R-85, 10R-84, 09-97, 09-98, 09-101, 09-103) (Action Date: 4/5/10) - PRIOR to reading:

COOK Moved to accept Motion to Amend #4 to amend Bill No. 09-103 by substituting the Appendix A(4) and Appendix B(4) attached hereto for the Appendix A and Appendix B attached to Bill No. 09-103. Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

CLERK Read an amended ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 18971, passed by City Council on August 6, 2007, the third time.

CARROLL Moved to pass the ordinance as amended. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

The ordinance, being numbered #19370, is recorded in Ordinance Book #26, Page 26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - ACTION DELAYED WEEKLY TO 4/5/2010) - PRIOR to reading:

SNYDER Moved to accept Motion to Amend #2 to amend Bill No. 09-132 by accepting the Substitute Ordinance attached hereto to replace the previously introduced ordinance and Motion to Amend No. 1. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.

CLERK Read an ordinance, introduced by Jayne Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including $4,800.00 plus 6% of his or her compensation in excess of $4,800.00 plus 6% of his or her compensation in excess of $4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other 1.8.6.2. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.
SNYDER Moved to pass the ordinance as amended.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Snyder, Spatz; NAYS: Camp, Hornung; ABSENT: Emery.
The ordinance, being numbered #19371, is recorded in Ordinance Book #26, Page

RECONSIDERATION

APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN ACTION PROGRAM FOR MEDICAL SERVICES FROM FEBRUARY 1, 2010 THROUGH JANUARY 31, 2013 - PRIOR to reading:

COOK Moved to Reconsider Bill No. 10R-86 originally adopted on March 29, 2010 and numbered A-85792.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its re-adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Professional Services Contract between the City of Lincoln and Lincoln Action Program, Inc., for the Lincoln-Lancaster County Health Department to provide medical services for up to 140 pregnant women and/or children enrolled in Lincoln Action Program’s Early Head Start Program for a period of February 1, 2010 through January 31, 2013, upon the terms and conditions as set forth in said Professional Services Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director for transmittal to Lincoln Action Program, Inc.

Introduced by Jonathan Cook

Final Vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 12, 2010.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on April 12, 2010.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.
Moved to adjourn the City Council meeting of April 5, 2010.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, 
Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant