The Meeting was called to order at 5:30 p.m. Present: Council Chair Spatz; Council Members: Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross. Absent: Camp.

Council 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.

THE MINUTES OF THE CITY COUNCIL MEETING HELD MONDAY, OCTOBER 25, 2010 AT 5:30 P.M.

EMERY Having been appointed to read the minutes of the City Council proceedings of October 18 reported having done so, found same correct.

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

Council Chair Spatz recognized and welcomed the UNL Journalism 202 class as well as students from the UMC College of Nursing who were all in attendance at the City Council meeting.

PUBLIC HEARING

CHANGE OF ZONE 10019 - APPLICATION OF ASSURITY LIFE INSURANCE CO. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD;

USE PERMIT NO. 150 - AMENDING THE USE PERMIT FOR SOUTHWOOD CENTER TO CHANGE APPROXIMATELY 33,020 SQ. FT. OF OFFICE USES TO RETAIL USES, WITH A REQUEST TO REDUCE THE FRONT YARD SETBACK ON SOUTH 27TH STREET AND OLD CHENEY ROAD, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD;

VACATION 10015 - VACATING THE RIGHT-OF-WAY STUB ON THE NORTH SIDE OF OLD CHENEY ROAD LOCATED APPROXIMATELY 480 FEET WEST OF THE CENTERLINE OF SOUTH 27TH STREET

Bill Schmeckle, 6601 Crooked Creek Dr., VP & Chief Investment Officer for Assurity Life Insurance Company, came forward in support of development at 27th & Old Cheney Road. He said since the merger of three long-time Lincoln life insurance companies in 2005 and the subsequent development of the Antelope Valley corporate campus, efforts to lease or potentially remodel their existing office fell short of acceptable financial expectations. He said the building is functionally and physically obsolete with the existence of asbestos. With over 1.4 million sq. ft. of vacant office in Lincoln, Mr. Schmeekle said the difficult decision to re-purpose the site was the right decision in the end. He said a zoning change will take a portion of the site back to its original intended use of neighborhood retail in the City’s Comprehensive Plan resulting in a mixed-use commercial area, maintaining the western border as B-3 neighborhood retail, proposing a reduction in the buildable square footage. He said Assurity has made attempts to be attentive and fair with surrounding neighborhood residents & associations implementing nearly everything requested by individual neighbors including a moratorium on a gas station on site. He said the Planning Commission was comfortable that Assurity adopted the appropriate approach through all aspects of the project and recommended its move forward.

John Badami, 5909 Norman Rd., came forward representing DLR Group as the architect hired by Assurity to help develop the Master Plan at 27th & Old Cheney. He said the size of the new single-story CVS building in Phase I will be 13,225 sq. ft. with an additional single-story retail building to the north equaling 8,423 sq. ft. Phase II will be a future two-story 8,678 sq. ft. office structure. Upon request of neighbors there will be screening above & beyond current design standards, creating four pedestrian walkways and allowing 9 ft. of greenspace between street & sidewalk trail.

Tim Gergen, Olsson Associates, came forward to answer questions and present the proposed plan regarding dedication of right-of-way, re-doing access points, realignment of exits, and two-lane striping at the CVS entry.
Shane King, Olsson Associates, came forward to discuss traffic analysis with peak counts, production of a trip generation table and the determination that there were minimal increases in traffic.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Assurity Life Insurance Company who is proposing to develop property which will be anchored by CVS, a national retailer with a well-deserved reputation. He said regarding the neighborhood meeting on September 20th, notices were mailed well beyond the required change-of-zone area and offers were made to meet with anyone. He reported that two meetings came about from their offer: one with Mr. Don Nelson who never got back with any particular requested changes; although another with the Lambrechts’ successfully resulted in an agreement addressing their concerns. In response to Council’s consideration of a delay, Mr. Hunzeker explained the complications which could result if action was delayed. He said CVS would like to have their store open for business for 4th Qtr. 2011; any delays would jeopardize that time line and impact the company financially.

Don Nelson, 2430 S. Canterbury Lane, came forward stating he’s been a neighborhood resident since August 1984. He spoke on behalf of the following associations: Seven Oaks, Tierra Group, Rolling Hills Park and Rolling Hills Ridge Neighborhood Association. He requested Council to consider postponing action until the affected groups can meet with the project team and make their objections and recommendations explicit. He acknowledged out of fairness that project proponents did do their mail outs and did hold a preliminary meeting at a community library. In response to Council’s comment that neighborhood groups have had several weeks of knowledge & preparation, Mr. Nelson said they fully expected the Planning Commission to grant a reasonable & prudent delay. Since that didn’t happen, and acting as a neighborhood volunteer, he had to gather association information as quickly as he could.

Richard Haquilvel, 733 W. Cuming, came forward in a neutral position to question if this project will be funded by TIF.

John Austin, 826 S. 14th St., came forward to comment. He said if it doesn’t involve a city tax issue, he suggested that the neighborhood and the company should have a discussion.

Jerrod Jaeger, 2331 Camelot Ct., Vice President of the Southwood Neighborhood Association, came forward to report his group was neither given notice nor invited to participate in a meeting. He stated that just as Mr. Hunzeker’s proposition and the engineer’s report took months to prepare it will take time to educate the SNA members so they may form a position.

Marvin Krout, Director of Planning, came forward to answer questions. He said regarding a 27th Street entrance car stacking issue, the applicants have met with Public Works, and as a result, relocation & revisions are satisfactory. Mr. Krout responded to Council Snyder’s concern that additional traffic could diminish greenspace & create a dangerous trail.

Mr. Hunzeker came forward in rebuttal. He compared the existing bike path traveling west dangerously abutting Old Cheney Road in contrast to the safer dedicated 10 feet of right-of-way along the developer’s property. Mr. Hunzeker apologized for the omission of the Southwood Neighborhood Association from the mailing list but if associations fail to keep up their contact information with the Planning Department, names can fall off the list. In an effort to show a genuine consideration of neighbors, Mr. Hunzeker recounted the timeline of scheduled meetings: it started with a meeting on September 20; then, on site with Mr. Nelson September 24; on the 29th with the Lambrechts, reaching an agreement that day; and continuing at the Planning Commission hearing held on October 6, an offering was made to meet with anybody, which has gone unfulfilled to this day.

This matter was taken under advisement.

**APPEAL OF STEPHENIE M. NORRIS FROM THE DECISION OF THE LINCOLN POLICE DEPARTMENT ON THE DENIAL OF HER APPLICATION FOR A SIDEWALK VENDOR PERMIT ACCORDING TO LMC §14.55.050 - Stephanie Norris, appellant, came forward to request Council’s approval to work as a sidewalk vendor in spite of her past criminal history.**

Capt. Bob Kawamoto, LPD, Sidewalk Café Review Committee member, came forward to recommend denial due to several incidences of theft.

Ms. Norris came forward in rebuttal. She said her last incident was two years ago; she has made steps to clean up her life by working on her GED; furthermore, she said she has successfully interacted with the public in many unsupervised settings.

This matter was taken under advisement.
APPROVING THE CONTRACT AGREEMENT BETWEEN THE CITY AND X-TRA KLEEN, INC. FOR THE ANNUAL CLEANING SERVICES FOR LINCOLN LIBRARIES, PURSUANT TO BID NO. 10-154 FOR A FOUR-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions. This matter was taken under advisement.

VACATION 10014 - VACATING THAT PORTION OF W. WAGGONER DRIVE WHICH ABUTS LOT 1, 2, AND 3, BLOCK 1, WAGGONER SUBDIVISION, GENERALLY LOCATED 1/4 MILE SOUTH OF WEST 0 STREET ON THE EAST SIDE OF S.W. 98TH STREET - Marvin Krout, Director of Planning, came forward to explain the process when a vacation request is located in the County but also in the City's three-mile extra-territorial jurisdiction. Originally there were staff concerns which resulted in a recommendation of denial but Mr. Krout felt that an adequate solution had been worked out which resulted in a recommendation from Planning Commission from the owner has agreed to re-plat all his ownership into one lot for farming purposes.

Roger Vollstedt, 550 SW 98th St., came forward as land owner of lots 2 and 3. As he has farmed for 30 years, it would be too costly to develop the road to County specifications and deal with the accumulation of trash as well.

John Austin, 826 S. 14th St., came forward to suggest that the three-mile jurisdiction was unconstitutional. This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED $8,000,000 FOR THE ACQUISITION OF THE EXPERIAN BUILDING AND RENOVATIONS TO THE SAME; AMENDING THE 2010/2011 - 2015/2016 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A NEW PROJECT IN YEAR ONE TO THE PUBLIC WORKS & UTILITIES STREET MAINTENANCE PROGRAM TO INCLUDE THE LEASE PURCHASE OF THE EXPERIAN FACILITY AT 901 AND 949 WEST BOND STREET; APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIAN MARKETING SOLUTIONS, INC. FOR THE PURCHASE OF THE EXPERIAN FACILITY GENERALLY LOCATED AT 901 AND 949 WEST BOND STREET - Greg MacLean, Director of Public Works & Utilities, came forward to provide responses & information to questions that were raised a couple of weeks ago. He said a website has been created to provide answers to the public as well. He said an unsolicited letter was received from the design engineers on all the expansions of the Experian project, stating the condition and the value of the replacement of that type of a facility. Mr. MacLean said there has been an on-going process to look for a suitable site for 10 years and to his knowledge, as of last week, no interested party has offered a site as an alternative to the Experian building. In response to Council questions, Mr. MacLean said an original RFP was issued in response to the expired lease for Engineering Services located at 531 Westgate replacing 23,000 sq. ft. of its occupied space although it left room for either a lease, lease-purchase or an outright purchase of property. He said the cost for relocation/moving of 911 is anticipated from a future safety bond issue. With the space of Experian it could be a 2 - 2.5 million bond issue; without the Experian space, acquiring property to build new would cost $5 million. Carolyn Eberly, 2810 S. 72nd St. #25, came forward as a tax-paying citizen in support of the Experian Building purchase as it is a good buy that would provide a lot of needs. She believes LIBA should not be the driving force for the decisions that City Council makes.

Coby Mach, LIBA, came forward in opposition to the Experian project. He said he could not imagine that anyone would come forward with an alternative site in the last week as voting will occur on this day; and, with an RFP process, no one would have a chance. He questioned the source of funds to purchase the facility and its actual square footage. Lotte Ralston, 12105 West O St., came forward stating she is a tax-paying citizen who is in opposition to the Experian building purchase as it will take 355,000 sq. ft. of property off the property tax rolls. Rick Erwin came forward as President of Experian Marketing Services to comment. Currently employing 150 people, their company has been headquartered at the West Bond Street location since 1971. He reported that Experian has 60 facilities in North America, 300 worldwide, and due to growth & performance they are committed to Lincoln. In response to Council questions, he said they are investing $500,000 to renovate/modernize office space to enhance productivity. He said annual payroll is around $10 million.

Jane Kinsey, 6703 Hawkins Bend, came forward in opposition to the Experian building purchase as there continues to be a budget shortfall and she fears taxes will be raised.

John Austin, 826 S. 14th St., came forward to suggest the City place a freeze on its buying spree.
Mr. MacLean came forward in rebuttal explaining the cash flow that moves Phase I only. He said the future phases would need a funding source and approval. While Public Works currently pays leases & rents at other places, they are merely transferring those leases towards the payment of a bond which would essentially pay for the building in 15 years & build equity. Mr. MacLean stated that in the last 10 years, the City has spent over $2 million in renovations and leases for property the City does not own. He explained that if a new 100,000 sq. ft. facility would be built, the cost would still be in excess of the deal with Experian now. In ten years of research, they have discovered facilities with unfortunately issues: enough floor space but inadequate roof height or inadequate column spacing; accessibility problems; incorrect zoning which is too close to a neighborhood; or simply a wrong location.

Don Herz, Director of Finance, came forward to clarify changed variables. He explained that rent lowered from 3% to 2.5% and current cost of borrowing lowered from 4% to less than 3%, resulting in a savings of $927,000. This matter was taken under advisement.

TOOK BREAK 7:52 P.M. RECONVENED 8:00 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING ANNIELYN OCAMPO TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2011 - Clerk read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Annielyn Ocampo to the Multicultural Advisory Committee to fill an unexpired term expiring September 18, 2011 is hereby approved.

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

AFFIDAVIT OF MAILING FOR THE BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 8, 2010 AT 3:00 P.M. - 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 OCTOBER 11, 2010 - clerk presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF BLUE MANGO HOLDINGS, LLC DBA COCOS NIGHT CLUB (REQUESTED NAME CHANGE FROM EL SALVADOR CAFÉ) FOR AN ADDITION/RECONSTRUCTION OF PREMISE TO THEIR EXISTING CLASS C LIQUOR LICENSE BY CHANGING THE DESCRIPTION TO A ONE-STORY BUILDING APPROX. 50' BY 140' INCLUDING BASEMENT AREA LOCATED AT 221 S. 9TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 8, 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 Application of Blue Mango Holdings, LLC dba Cocos Night Club (requested name change from El Salvador Café) for an addition/reconstruction of premise to their existing Class C liquor license by changing the description to a one-story building approx. 50' by 140' including basement area located at 221 S. 9th Street.

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

Introduced by Doug Emery
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
REFERRALS TO THE PLANNING DEPARTMENT:
Special Permit No. 10032 - Requested by Holm Contracting, Inc. for authority to expand a nonconforming use to enclose an existing breezeway that encroaches into the required side yard setback on property generally located at Woodsdale Boulevard and Van Dorn Street (2220 Woodsdale Boulevard).

INFORMAL PETITION TO CREATE A WATER DISTRICT ON PROPERTY LOCATED ON NORTHWEST 19TH STREET BETWEEN WEST Q STREET AND WEST R STREET SUBMITTED BY MICHAEL SMITH - CLERK presented said petition which was referred to the Public Works & Utilities Department.

PLACED ON FILE IN THE CITY CLERKS OFFICE:
Administrative Amendment No. 10057 to Special Permit No. 1121, Malone Manor, approved by the Planning Director on October 14, 2010 requested by John Newcomer to add parking stalls and revise the parking lot layout for Malone Manor on property generally located at N. 22nd Street and Vine Street.

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 10019 - APPLICATION OF ASSURITY LIFE INSURANCE CO. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - PRIOR to reading:

COOK Moved an amendment to Bill No. 10-133 to continue 2nd Reading with Public Hearing on November 15, 2010. Seconded by Snyder.

HORNUNG Moved an amendment to Cook's amendment in which to continue 2nd Reading with Public Hearing on November 8, 2010. Motion Died for lack of a second. Original amendment carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Hornung, Spatz; ABSENT: Camp.

CLERK Read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT NO. 15D - AMENDING THE USE PERMIT FOR SOUTHWOOD CENTER TO CHANGE APPROXIMATELY 33,020 SQ. FT. OF OFFICE USES TO RETAIL USES, WITH A REQUEST TO REDUCE THE FRONT YARD SETBACK ON SOUTH 27TH STREET AND OLD CHENEY ROAD, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - PRIOR to reading:

COOK Moved an amendment to Bill No. 10R-271 to continue 2nd Reading with Public Hearing on November 15, 2010. Seconded by Snyder.

HORNUNG Moved to amend Cook's amendment in which to continue 2nd Reading with Public Hearing on November 8, 2010. Motion Died for lack of a second. Original amendment carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Hornung, Spatz; ABSENT: Camp.

VACATION 10015 - VACATING THE RIGHT-OF-WAY STUB ON THE NORTH SIDE OF OLD CHENEY ROAD LOCATED APPROXIMATELY 480 FEET WEST OF THE CENTERLINE OF SOUTH 27TH STREET. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - PRIOR to reading:

COOK Moved an amendment to Bill No. 10-134 to continue 2nd Reading with Public Hearing on November 15, 2010. Seconded by Snyder.

HORNUNG Moved to amend Cook's amendment in which to continue 2nd Reading with Public Hearing on November 8, 2010. Motion Died for lack of a second. Original amendment carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Hornung, Spatz; ABSENT: Camp.
CLERK  Read an ordinance, introduced by Jonathan Cook, vacating the right-of-way stub on the north side of Old Cheney Road located approximately 480 feet of the centerline of South 27th Street and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the second time.

PUBLIC HEARING - RESOLUTIONS

APPEAL OF STEPHENIE M. NORRIS FROM THE DECISION OF THE LINCOLN POLICE DEPARTMENT ON THE DENIAL OF HER APPLICATION FOR A SIDEWALK VENDOR PERMIT ACCORDING TO LMC §14.55.050. (TO HAVE P.H. W/ACTION ON 10/25/10) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption for denial:

A-86074
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 and Chapter 14.55 of the Lincoln Municipal Code, the application of Stephanie M. Norris, 1732 N. 27th St., Lincoln, Nebraska, for a Sidewalk Vendor Permit is hereby denied as the City Council has determined that the applicant's character and reputation makes her unsuitable to properly provide the service proposed within the City of Lincoln.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the applicant.

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

APPROVING THE CONTRACT AGREEMENT BETWEEN THE CITY AND X-TRA KLEEN, INC. FOR THE ANNUAL CLEANING SERVICES FOR LINCOLN LIBRARIES, PURSUANT TO BID NO. 10-154 FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86075
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached multi-year Contract between the City of Lincoln and X-Tra Kleen, Inc. for the annual cleaning services for Lincoln Libraries, pursuant to Bid No. 10-154, for a four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

VACATION 10014 - VACATING THAT PORTION OF W. WAGGONER DRIVE WHICH ABUTS LOT 1, 2, AND 3, BLOCK 1, WAGGONER SUBDIVISION, GENERALLY LOCATED 1/4 MILE SOUTH OF WEST O STREET ON THE EAST SIDE OF S.W. 98TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86076
WHEREAS, City of Lincoln approval of the vacation of a portion of W. Waggoner Drive generally located 1/4 mile south of West O Street, on the east side of S.W. 98th Street, has been requested by the Lancaster County Board of Commissioners; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

WHEREAS, the Planning Commission has reviewed this application and recommended conditional approval subject to the approval of a final plat removing the two easterly land-locked parcels prior to sale of the right-of-way; and

WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the Lancaster County Board may not vacate said portion of W. Waggoner Drive without the prior approval of the City Council of the City of Lincoln, Nebraska.

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

That the vacation of the that portion of W. Waggoner Drive which abuts Lot 1, 2, and 3, Block 1, Waggoner Subdivision, generally located 1/4 mile south of West O Street, on the east side of S.W. 98th Street which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln is hereby approved subject to the approval of a final plat removing the two easterly landlocked parcels prior to sale of the vacated right-of-way.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Jonathan Cook
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
PUBLIC HEARING ORDINANCES - 3RD READING & RELATED RESOLUTIONS required

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED $8,000,000 FOR THE ACQUISITION OF THE EXPERIAN BUILDING AND RENOVATIONS TO THE SAME. (RELATED ITEMS: 10-128, 10R-236, 10R-241) (10/4/10 - ACTION DELAYED 3 WKS W/P.H. TO 10/25/10) - PRIOR to reading:

HORNUNG Moved approval of Bill No. 10-128, originally introduced by Doug Emery; seconded by Carroll.

HORNUNG Moved to delay Bill No. 10-128 for one week to allow for Council Camp’s review. Motion Died for lack of a second.

HORNUNG Moved to delay Action on Bill No. 10-128 for two weeks to have the City undertake a revised RFP process for 23,000 - 400,000 sq. ft. Motion Died for lack of a second.

CLERK Read an ordinance, re-introduced by Doug Emery, authorizing and approving a Lease-Purchase Transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of acquiring real property and the buildings thereon and remodeling, equipping and furnishing the same; approving the issuance, sale and delivery of not to exceed $8,000,000 principal amount of Certificates of Participation in such Lease; fixing in part and providing for the fixing in part of certain provisions of the Lease; and related matters, the third time.

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

The ordinance, being numbered #19461, is recorded in Ordinance Book #27, Page


HORNUNG Moved to amend Bill No. 10R-236 in the following manner:

1. Require the Mayor’s office within 60 days to provide Council with the transition plan including plan and projections for payment of the $9.5 million cost of transition that deal with 901 and the 911 Center.

Motion Died for lack of a second.

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, Resolution No. A-85975, adopted by the City Council of Lincoln, Nebraska on August 23, 2010, adopted the fiscal year 2010-2011 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85975 as Schedule No. 5; and

WHEREAS, Resolution No. A-85975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, a capital improvement project for a City owned facility in northwest Lincoln, hereinafter referred to as the Experian Building Acquisition and Renovation Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2010-2011; and

WHEREAS, the City desires to amend the first year (2010-2011) of the Fiscal Year 2010/2011 - 2015/2016 Six Year Capital Improvement Program (CIP) to establish a project for the Experian Building Acquisition and Renovation Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, “The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process.” The Charter definition of “Planning Department” includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Experian Building Acquisition and Renovation Project (Comprehensive Plan Conformance No. 10005) for conformity or nonconformity with the Comprehensive Plan as a capital improvement project and the Planning Commission found the proposed Experian Building Acquisition and Renovation Project to be in conformity with the Comprehensive Plan.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the implementation of the Experian Building Acquisition and Renovation Project to include purchase and renovation of the existing building to house the Office of the Engineering Services section of the Public Works & Utilities, and such other departments, divisions, officers, agencies, or other functions of the City as may be deemed appropriate, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-85975 be amended by adding the Experian Building Acquisition and Renovation Project to the Public Works & Utilities Department’s list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of $8,100,000.00 in Lease-Purchase Financing for this Experian Building Acquisition and Renovation Project.

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

APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIAN MARKETING SOLUTIONS, INC. FOR THE PURCHASE OF THE EXPERIAN FACILITY GENERALLY LOCATED AT 901 AND 949 WEST BOND STREET. (RELATED ITEMS: 10-128, 10R-236, 10R-241) (ACTION DATE: 10/4/10) (10/4/10 - ACTION DELAYED 3 WKS W/P.H. TO 10/25/10) - PRIOR to reading:

EMERY Moved to amend Bill No. 10R-241 as follows:
1. Substitute the Substitute Resolution attached hereto as Attachment "A" for Bill No. 10R-241.
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

CLERK Read the following substitute resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, the City of Lincoln has entered into a Real Estate Purchase and Sale Agreement with Experian Marketing Solutions, Inc., a Delaware corporation, for the purchase of Lots 4, 5, 6, 7, 8, 9 and 10, Block 4, and Lot 9, Block 7, Union Pacific Addition to the City of Lincoln, Lancaster County, Nebraska, also known as 901 West Bond Street and 949 West Bond Street; and

WHEREAS, the City of Lincoln has entered into an amendment to the Real Estate Purchase and Sale Agreement with Experian Marketing Solutions, Inc. wherein the purchase price is amended to $6,375,000.00 and the closing date amended to December 17, 2010; and

WHEREAS, the property shall be used for consolidating various City functions into one facility; and

WHEREAS, the funding for this acquisition will come from Certificates of Participation in a lease-purchase transaction approved and authorized by Ordinance No. 19461, passed by the City Council on October 25, 2010; and

WHEREAS, to preserve contingencies in the Real Estate Purchase and Sale Agreement, this resolution shall not be effective until after the Certificates of Participation have been sold and closing has occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the attached Real Estate Purchase and Sale Agreement for the acquisition of 901 West Bond Street and 949 West Bond Street, with funding for the purchase to come from City of Lincoln, Experian Certificates of Participation, Series 2010B is, subject to a successful sale of sufficient Certificates of Participation and closing on the sale of said Certificates of Participation by December 16, 2010, hereby approved. In the event that the sale of the Certificates of Participation fails or is insufficient to accomplish the purchase of the real property described above, this resolution shall be null and void.

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

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

COMP. PLANN CONFORMANCE 10006 - ADOPTING AND APPROVING THE PROPOSED NEBRASKA INNOVATION CAMPUS REDEVELOPMENT PLAN FOR AN AREA ADJACENT TO THE UNIVERSITY OF NEBRASKA-LINCOLN CITY CAMPUS INCLUDING THE FORMER NEBRASKA STATE FAIR PARK, GENERALLY
LOADED FROM N. ANTELOPE VALLEY PARKWAY TO 27TH STREET, BETWEEN SALT CREEK AND THE BURLINGTON NORTHERN SANTA FE RAILROAD CORRIDORS. (RELATED ITEMS: 10R-275, 10-135) (ACTION DATE: 11/8/10)

CHANGE OF ZONE 10018 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 PLANNED UNIT DEVELOPMENT FOR DEVELOPMENT OF NEBRASKA INNOVATION CAMPUS INCLUDING APPROXIMATELY TWO MILLION SQUARE FEET OF MIXED USE COMMERCIAL SPACE, UP TO 250 DWELLING UNITS AND UP TO 250 HOTEL ROOMS, ON PROPERTY GENERALLY LOCATED AT NORTH ANTELOPE VALLEY PARKWAY AND SALT CREEK ROADWAY. (RELATED ITEMS: 10R-275, 10-135) (ACTION DATE: 11/8/10) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.09.202 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATION 10012 - VACATING THAT PORTION OF THE NORTH-SOUTH ALLEY ABUTTING THE SOUTH 9.78 FEET OF LOT 14, MAXWELL'S ADDITION, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 16TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by Doug Emery, vacating that portion of the north-south alley between S. 15th Street and South Street abutting the south 9.78 feet of Lot 14, Maxwell’s Addition, generally located at the northwest corner of South 16th Street and South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 10013 - VACATING VARIOUS RIGHTS-OF-WAY IN ANTELOPE VALLEY GENERALLY BOUND BY S STREET ON THE NORTH, MONROE AVENUE ON THE SOUTH, N. 19TH STREET ON THE WEST AND N. 22ND STREET ON THE EAST - CLERK read an ordinance, introduced by Doug Emery, vacating various rights-of-way in Antelope Valley generally bounded by S Street on the north, Monroe Avenue on the south, N. 19th Street on the west and N. 22nd Street on the east, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC BY ADDING A NEW SECTION NUMBERED 10.02.365 TO DEFINE SNOW REMOVAL DISTRICT, AND BY CREATING A NEW LINCOLN MUNICIPAL CODE CHAPTER 10.41, SNOW REMOVAL DISTRICT, BY ADDING SECTION 10.41.010 TO PROHIBIT PARKING IN ANY SNOW REMOVAL DISTRICT WHENEVER A SNOW EMERGENCY IS DECLARED; ADDING SECTIONS 10.41.020, 10.41.030, 10.41.040, 10.41.050, 10.41.060, 10.41.070, 10.41.080, 10.41.090, AND 10.41.100 TO ESTABLISH THE DOWNTOWN, UNIVERSITY PLACE, HAAVELock, BETHANY, COLLEGE VIEW, 11TH AND G STREET, 13TH STREET, 17TH AND WASHINGTON, AND 25TH AND SUMMER SNOW REMOVAL DISTRICTS, RESPECTIVELY; ADDING SECTION 10.41.110 TO AUTHORIZE THE MAYOR TO ORDER A PARKING PROHIBITION ON ALL STREETS DESIGNATED AS PART OF ANY SNOW REMOVAL DISTRICT; AND ADDING SECTION 10.41.120 TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO PROVIDE FOR SIGNAGE IDENTIFYING SAID SNOW REMOVAL DISTRICTS - CLERK read an ordinance, introduced by Doug Emery, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic by adding a new section numbered 10.02.365 to define Snow Removal District, and by creating a new Lincoln Municipal Code Chapter 10.41, Snow Removal District, by adding Section 10.41.010 to prohibit parking in any Snow Removal District whenever a snow emergency is declared; adding Sections 10.41.020, 10.41.030, 10.41.040, 10.41.050, 10.41.060, 10.41.070, 10.41.080, 10.41.090, 10.41.100 to establish the Downtown, University Place, Havelock, Bethany, College View, 11th and G Street, 13th Street, 17th and Washington, and 25th and Summer Snow Removal Districts, respectively; adding Section 10.41.110 to authorize the Mayor to order a parking prohibition on all streets designated as part of any Snow Removal District, and adding Section 10.41.120 to authorize the Director of Public Works and Utilities to provide for signage identifying said Snow Removal Districts, the first time.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING SECTION 5.36.120 RELATING TO THE APPEAL OF A DENIAL OF AN APPLICATION FOR A FEDDER’S PERMIT TO PROVIDE THAT THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS AND UTILITIES MAY DESIGNATE PERSONS FROM THEIR DEPARTMENTS TO FILL SUCH DIRECTORS’ POSITIONS ON THE PERMIT REVIEW BOARD; AMENDING SECTION 5.50.080 RELATING TO THE SUSPENSION OR REVOCATION OF A TAXICAB DRIVER LICENSE TO PROVIDE THAT THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS AND UTILITIES MAY DESIGNATE PERSONS FROM THEIR DEPARTMENTS TO FILL SUCH DIRECTORS’ POSITIONS ON THE TAXICAB REVIEW BOARD - CLERK read an ordinance, introduced by Doug Emery, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations, by adding Section 5.36.120 relating to the appeal of a denial of an application for a Peddler’s permit to provide that the Chief of Police and the Director of Public Works and Utilities may designate persons from their
departments to fill such directors' positions on the Permit Review Board; amending Section 5.50.080 relating to the suspension or revocation of a taxicab driver license to provide that the Chief of Police and the Director of Public works and Utilities may designate persons from their departments to fill such directors' positions on the Taxicab Review Board, and repealing Sections 5.36.120 and 5.50.080 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC. FOR THE LEASE OF OFFICE SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM - CLERK read an ordinance, introduced by Adam Hornung, approving a Lease Agreement between Lincoln-Lancaster County Health Department and Enterprise Company, Inc. for the lease of office space at 2662 Cornhusker Highway for the Health Department’s Women, Infants and Children (WIC) Program for a three year term, the third time.

HORNUNG Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19462, is recorded in Ordinance Book #27, Page

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE LINCOLN MEDICAL EDUCATION PARTNERSHIP FOR THE LEASE OF OFFICE SPACE AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A FOUR YEAR TERM - CLERK read an ordinance, introduced by Adam Hornung, approving a Lease Agreement between the Lincoln-Lancaster County Health Department and the Lincoln Medical Education Partnership for the lease of office space at 4600 Valley Road for the Health Department’s Women, Infants and Children (WIC) Program for a four year term, the third time.

HORNUNG Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19463, is recorded in Ordinance Book #27, Page

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to voice her concerns regarding healthcare, military recruitment of foreigners, illegal cremations, subliminal hardware stripping, flawed voting machines, and elimination of neurotoxin drugs.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming, came forward to report that while driving the streets of Lincoln he has witnessed cell phone use by City Police, Fire Personnel, LES & Bus Drivers. He suggested cell phone use/texting be banned by City employees on City business during City hours using City vehicles. Regarding Council action, he further questioned the lack of knowledge to the public regarding amendments. He feels there should be an open mic after an amendment is made. Finally, Mr. Esquivel requested Council to consider a city-wide wheel tax to include anyone residing outside Lincoln but doing business/working/attending school within Lincoln to pay a city wheel tax amounting to about $40 annually.

This matter was taken under advisement.

John Austin, 826 S. 14 St., came forward to discuss City issues. He stated that snowblowers were sold too cheaply; he expressed disappointment in the loss of the State Fair; and he said he was dissatisfied with a policeman’s recent reaction to a dangerous dog.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to November 1, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on November 1, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
ADJOURNMENT  8:49 P.M.

COOK       Moved to adjourn the City Council meeting of October 25, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant