REGULAR MEETING
February 7, 2011
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THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 7, 2011 AT 3:00 P.M.

The Meeting was called to order at 3:00 p.m. Present: Vice Council Chair Carroll; Council Members: Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross; Camp and Spatz absent.

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.

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of January 31 reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING AMENDMENT NO. 2 TO THE MANAGEMENT AGREEMENT FOR CITY OF LINCOLN PARKING FACILITIES WITH REPUBLIC PARKING SYSTEM, INC. TO INCLUDE ON-STREET CITATION PAYMENT PROCESSING DUTIES - David Landis, Director of Urban Development, came forward to explain that the City Staff that currently processes all parking tickets also will be doing the City restaurant tax and city policies of the arena project. Rather than hire more City employees the City has contracted out with Republic Parking System, Inc. for the on-street citation parking processing duties in the downtown area. The management fee the City pays has been amended to $1,500 per month. The City will be paying $26,000 less per year.

This matter was taken under advisement.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND ALAMAR UNIFORMS AND LAWRENCE’S & SHOOTER’S SUPPLY INC. FOR THE ANNUAL SUPPLY OF FIREMAN UNIFORMS FOR FOUR-YEAR TERMS EFFECTIVE UPON EXECUTION BY BOTH PARTIES - Bob Walla, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING THE INTENT TO CREATE THE SOUTH STREET BUSINESS IMPROVEMENT DISTRICT IN THE AREA OF SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET EAST TO 19TH STREET - David Landis, Director of Urban Development, came forward to state the Board thought two elements need to be subtracted from the BID; Snow removal should be the responsibility of the owner as well as sidewalk maintenance such as repairs and litter. The ordinance to create the BID will be introduced on February 14, 2011, legal notice published on February 16th then Public Hearing on February 28th. A notice will be sent to all property owners affected. Lancaster Manor and BryanLoG West will be joining the BID.

This matter was taken under advisement.

APPROVING THE N ZONE/CATERING ZONE AS A KENO SATELLITE SITE AT 728 ½ Q STREET - Mike Figueroa, 728½ Q Street, came forward to answer questions.

This matter was taken under advisement.

APPROVING LUCKIES LOUNGE AND GRILL AS A KENO SATELLITE SITE AT 1101 WEST BOND STREET - Jesse Osborne, 1101 W. Bond Street, came forward to answer questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 28, 2011, AT 5:30 P.M. ON THE ASSESSMENT OF BUILDING DEMOLITION LOCATED ON PROPERTY AT 1237 N 21ST STREET, LEGALLY DESCRIBED AS YATES-THOMPSONS SUB., LOT 13, MILLERS 24106, LOT 22, LANCASTER COUNTY, NEBRASKA - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86230

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

That a public hearing date of Monday, February 28, 2011, at 5:30 p.m. of as soon thereafter as possible is hereby set on the assessment of building demolition costs incurred by the City of Lincoln, Nebraska, located on property at 1237 North 21st Street, legally described as Yates-Thompson Sub., Lot 13, Millers 24106, Lot 22, Lancaster County, Nebraska.

Introduced by Adam Hornung

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 24, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

RESOLUTION of intention to create a Business Improvement District for the

APPROVING AMENDMENT NO. 2 TO THE MANAGEMENT AGREEMENT FOR CITY OF LINCOLN PARKING

PAYMENT PROCESSING DUTIES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86231

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

That the Amendment No. 2 to Management Agreement between the City of Lincoln and Republic Parking System, Inc. for City of Lincoln parking facilities which is attached hereto and made a part hereto by reference, under which Republic Parking System agrees to add on-street citation payment processing to the scope of services currently performed, upon the terms and conditions as set forth in said Amendment to Management Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Agreement to the City Parking Manager in the Urban Development Department for transmittal to Republic Parking System, Inc.

Introduced by Doug Emery

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

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND ALAMAR UNIFORMS AND LAWMEN'S & SHOOTER'S SUPPLY INC. FOR THE ANNUAL SUPPLY OF FIREMAN UNIFORMS FOR FOUR-YEAR TERMS EFFECTIVE UPON EXECUTION BY BOTH PARTIES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86232

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

That the two attached multi-year Contract Agreements between the City of Lincoln, Alamar Uniforms and Lawmen's & Shooter's Supply Inc. for the annual supply of Fireman Uniforms, pursuant to Quote 3223, for four-year terms, upon the terms and conditions 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 Doug Emery

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

APPROVING THE INTENT TO CREATE THE SOUTH STREET BUSINESS IMPROVEMENT DISTRICT IN THE AREA OF SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET EAST TO 19TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86233

RESOLUTION of intention to create a Business Improvement District for the maintenance, repair and reconstruction of certain public facilities and improvements in the area of South Street from the alley west of 9th Street east to 19th Street to be known as the South Street Business Improvement District:

WHEREAS, the City Council of the City of Lincoln created the South Street Business Area Improvement Board by Resolution No. A-85495; and

WHEREAS, the South Street Business Area Improvement Board, on August 31, 2009, recommended that the City Council create a new business improvement district within the area of South Street from the alley west of 9th Street east to 19th Street to be funded by special assessments levied on a front foot basis and based on special benefits to the property within the district as the same may be fairly and equitably adjusted by the City Council of the City of Lincoln, Nebraska sitting as a board of equalization; and

WHEREAS, following the adoption of this resolution the City Council of the City of Lincoln, Nebraska intends to consider at public hearing on February 28, 2011 an ordinance to create the recommended business improvement district along South Street from the alley west of 9th Street east to 19th Street, as more particularly described below. BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 49-4015 to 19-4038 (Reissue 2007) and based upon the recommendation received from the duly appointed South Street Business Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby states its intention to create a Business Improvement District to be known as the South Street Business Improvement District for the purpose of maintaining, repairing and reconstructing certain public facilities and improvements under the act for the betterment of the district and employing or contracting for personnel, including administrators, and to provide for any
service as may be necessary or proper to carry out the purposes of the Business Improvement District Act as provided in the ordinance creating the district.

BE IT FURTHER RESOLVED that in accordance with the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 2007) (the Act) the following information is provided regarding the proposed creation of such business improvement district:

1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed South Street Business Improvement District shall generally extend along South Street from the alley west of 9th Street east to 19th Street including those properties abutting South Street as more specifically shown on the map and list of properties which is attached hereto marked and designated "A" and "B" and which are a part hereof by this reference. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the corporate limits of Lincoln; and

2. TIME AND PLACE OF HEARING ON CREATION OF THE DISTRICT. The City Council of the City of Lincoln, Nebraska will hold a public hearing on an ordinance to create such business improvement district on February 28, 2011, at the hour of 5:30 p.m., or as soon thereafter as possible in the City Council Chamber on the二楼, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

3. MAINTENANCE WORK TO BE PERFORMED IN THE DISTRICT. The maintenance or reconstruction of public facilities and services ("Maintenance Work") to be performed in the proposed business improvement district shall consist of:
   a. Maintenance of the irrigation system including Spring start-up and Fall shut-off.
   b. Removal of litter from sidewalks, median planting beds, planting areas in the South Street right-of-way and the 14th Street plaza area.
   c. Replacement of trash from 14th Street plaza area trash receptacles.
   d. Replacement, as needed, of street furniture, planters, ornamental lights and trash receptacles.
   e. Care and maintenance of all landscaping, including watering, fertilizing, weeding, pruning, spraying, mulching and removal and replacement of dead plants and shrubs and trees.

4. ESTIMATED COSTS. The first year's estimated total annual costs and expenses for the Maintenance Work proposed to be performed within such district are $14,000.00 and the maximum amount of the first year's annual assessment for the costs of the Maintenance Work shall not exceed $14,000.00. In each succeeding year the City Council after public hearing shall approve an annual budget for the Maintenance Work consistent with the ordinance creating the district, provided that for each succeeding year the maximum amount of the total annual assessment for such Maintenance Work shall not exceed the prior year assessment amount by more than 5%.

5. METHOD OF RAISING REVENUE. The costs and expenses for the Maintenance Work proposed to be performed within such business improvement district will be raised through special assessments against real estate in the district.

BE IT FURTHER RESOLVED that the Director of Urban Development shall mail a complete copy of this resolution of intention one time in a newspaper of general circulation in the City of Lincoln at least ten (10) days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to place an additional copy of this resolution of intention one time in a newspaper of general circulation in the City of Lincoln at least ten (10) days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy of this resolution of intention, including any attachments hereto, to each owner of taxable property in the proposed district as shown on the latest tax roles of the County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on February 28, 2011.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of The N Zone/Catering, 728 ½ Q Street, Lincoln, NE 68508.

The City Clerk is directed to return an executed copy of this Resolution to The N Zone.

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

APPROVING LUCKIES LOUNGE AND GRILL AS A KENO SATELLITE SITE AT 1101 WEST BOND STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and
WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EPSV Lottery Services, LLC, a Nebraska limited liability company; and
WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and
WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Luckies Lounge and Grill, 1101 West Bond Street, Lincoln, NE 68521.

The City Clerk is directed to return an executed copy of this Resolution to Luckies Lounge and Grill.

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

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

APPROVING AMENDMENT NO. 1 TO THE NORTHBANK JUNCTION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ROGER H. SCHWISOW, ELDONNA SCHWISOW, HARTLAND HOMES INC. AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD PRIOR TO THE PREPARATION AND SUBMITTAL OF A TRAFFIC STUDY.

CHANGE OF ZONE 10027 – APPLICATION OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 54TH STREET AND ALVO ROAD - CLERK read an ordinance, introduced by Adam Hornung, 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.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2010 AND DECEMBER 2010 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Adam Hornung, adopting the supplements to the Lincoln Municipal Code dated June 2010 and December 2010 as part of the official Lincoln Municipal Code, the first time.

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

VACATION 10017 – VACATING THE REMAINING PORTION OF THE EAST-WEST ALLEY FROM CENTENNIAL MALL TO N. 16TH STREET BETWEEN P AND Q STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating the remaining portion (the East 100') of the east-west alley from Centennial Mall to North 16th Street between P Street and Q Street not previously vacated by Ordinance No. 5777, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

Cook Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

The ordinance, being numbered #19496, is recorded in Ordinance Book #27, Page .

VACATION 10018 – VACATING THE NORTH 15 FEET OF L STREET FROM THE EAST RIGHT-OF-WAY LINE OF S. 7TH STREET TO A POINT 215 FEET EAST OF SUCH RIGHT-OF-WAY LINE AND VACATING THE EAST 15 FEET OF S. 7TH STREET FROM A POINT 15 FEET SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF L STREET TO A POINT 10 FEET NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF M STREET. (RELATED ITEMS: 11-11, 11-24, 11-28, 11-29, 11R-30) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north 15 feet of L Street from the east right-of-way line of S. 7th Street to a point 215 feet east of such right-of-way line and vacating the east 15 feet of S. 7th Street from a point 15 feet south of the north right-of-way line of L Street to a point 10 feet north of the south right-of-way line of M Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

Cook Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

The ordinance, being numbered #19497, is recorded in Ordinance Book #27, Page .
APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE $588,000.00 IN TIF FUNDS FOR THE TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT TO BE IN CONFORMITY BETWEEN 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - CLERK read the following resolution, introduced by Jonathan Cook, 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, other United States, as well as from 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, Resolution No. A-86139 adopted by the City Council for the City of Lincoln adopted the Telesis/Meadowgold Redevelopment Project as an approved project within the Lincoln Center Redevelopment Plan; and

WHEREAS, a capital improvement project for the Telesis/Meadowgold Redevelopment 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 through 2015/2016 Six Year Capital Improvement Program (CIP) to include redevelopment of the former Meadowgold manufacturing complex in Block 84 Original Plat of Lincoln into a complex of mixed-use industrial buildings, as 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 Telesis/Meadowgold Redevelopment Project to the Urban Development 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 to designate $588,000.00 from Tax Increment Financing for this Telesis/Meadowgold Redevelopment Project.

APPROVING THE TELESIS/DAIRY HOUSE REDEVELOPMENT AGREEMENT BETWEEN THE DAIRY HOUSE, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON A PORTION OF BLOCK 84, BOUNDED BY 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - PRIOR to reading:

COOK Moved to amend Bill No. 11-14 by accepting the attached Substitute Ordinance to replace the current ordinance. Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

COOK Moved to pass the ordinance as amended. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED $588,000.00 FOR THE CITY OF LINCOLN, TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - PRIOR to reading:

COOK Moved to accept the attached Substitute Ordinance to replace the current ordinance. Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

COOK Moved to pass the ordinance as amended. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

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

That the implementation of the Telesis/Meadowgold Redevelopment Project to include redevelopment of the former Meadowgold manufacturing complex in Block 84 Original Plat of Lincoln into a complex of mixed-use industrial buildings, as hereby established as a capital improvement project within the Capital Improvement Program.

That the implementation of the Telesis/Meadowgold Redevelopment Project to include redevelopment of the former Meadowgold manufacturing complex in Block 84 Original Plat of Lincoln into a complex of mixed-use industrial buildings, as 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 Telesis/Meadowgold Redevelopment Project to the Urban Development 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 to designate $588,000.00 from Tax Increment Financing for this Telesis/Meadowgold Redevelopment Project.

APPROVING THE TELESIS/DAIRY HOUSE REDEVELOPMENT AGREEMENT BETWEEN THE DAIRY HOUSE, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON A PORTION OF BLOCK 84, BOUNDED BY 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - PRIOR to reading:

HORNUNG Moved to amend Bill No. 11R-30 by replacing the Redevelopment Agreement which is attached to the resolution with the Redevelopment Agreement (Telesis/Dairy House Project) attached hereto. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

Snyder Moved to amend Bill No. 11R-30 to accept the attached Exhibit A1 to the Redevelopment Agreement (Telesis/Dairy House Project) as part of the Agreement. Seconded by Emery followed by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

The ordinance, being numbered COOK Moved to pass the ordinance as amended. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
WHEREAS, Art. VIII, § 4 of the Lincoln Charter grants the City Council certain examination and review powers concerning any subject upon which it may legislate or the operations of any department engaged in the administration of City affairs; and
WHEREAS, Chapter 4.66 creates the City Audit Advisory Board with the duties and powers of advising the City Council on certain matters; and
WHEREAS, pursuant to Lincoln Municipal Code § 4.66.040, the City Audit Advisory Board has certain responsibilities, including, when directed to do so by resolution of the City Council, determining whether an audit as suggested in the Council's resolution is appropriate and desirous, and to determine what the scope of such audit should be; and
WHEREAS, the City Council is interested conducting an objective and systematic review of or audit of evidence for the purpose of providing an independent assessment of StarTran’s service delivery model and efficiency. NOW, THEREFORE BE IT RESOLVED by the City of Lincoln, Nebraska:
1. That pursuant to Art. IV, § 8 of the Lincoln Charter, the City Council is hereby authorized to engage appropriate persons to conduct an examination and/or audit of StarTran’s service delivery model and efficiency, including:
   a. Determination of the characteristics and needs of the StarTran’s clients;
   b. Evaluation of the system’s current strengths and weaknesses in delivering transportation services to its clients;
   c. Assessment of the StarTran’s efficiency in delivering client services;
   d. Evaluation of other municipal transportation models and the positives and negatives associated with the adoption of those models, including financial costs and the impact on federal and state funding; and
   e. Whether public-private partnerships offer the potential to provide improved client service and efficiency and the positives and negatives associated with the approach.

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE TO REVISE, REORGANIZE AND CLARIFY JURISDICTION AND PROCEDURES OF THE CITIZEN POLICE ADVISORY BOARD - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board to revise, reorganize and clarify jurisdiction and procedures, the third time.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY’S WASTEWATER COLLECTION AND TREATMENT SYSTEM, PROJECT NO. CI17830 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. CI17830) and a related Promissory Note in a principal amount not to exceed $20,000,000, and related matters, the third time.

APPROVING A REQUEST TO THE CITY AUDIT ADVISORY BOARD PURSUANT TO ART. IV, § 8 OF THE CITY CHARTER AND CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO CONSIDER THE APPROPRIATENESS AND DESIRABILITY OF PERFORMING AN INDEPENDENT ASSESSMENT OF STARTRAN’S SERVICE DELIVERY MODEL AND EFFICIENCY - PRIOR to reading:

RESOLUTION - ACTION ONLY
2. In the conduct of such examination and/or audit, the City Council shall consider the recommendations, advice, and counsel of the City Audit Advisory Board concerning the matters set forth in Lincoln Municipal Code § 4.66.040, including but not limited to, scope of any audit and/or examination, the particular function or activity of the person or entity which should be audited and/or examined, and the time span to be covered by the audit and/or examination.

3. Upon making its determinations concerning the scope of the audit and/or examination the Board is hereby authorized to transmit to the City Purchasing Agent its directions concerning the scope of the audit in writing. Upon receiving the Board’s written directions the City Purchasing Agent shall follow applicable City purchasing procedures to engage a private contractor to conduct such audit and/or examination, without the necessity of further action by the City Council to authorize such engagement. The City Council shall approve of all funding for the audit and/or examination, and private contractor.

4. Upon completion of any audit and/or examination, the City Audit Advisory Board shall evaluate and report upon the final audit and/or examination report and any written responses thereto furnished by the audited or examined party, as provided in Lincoln Municipal Code § 4.66.040(b/b)(d).

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

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to February 14, 2011. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on February 14, 2011. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

ADJOURNMENT 3:24 P.M.

COOK Moved to adjourn the City Council meeting of February 7, 2011. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Camp, Spatz.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant