

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 21, 2012 AT 5:30 P.M.**

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

Council Chair Hornung 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

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of May 14, 2012 reported having done so, found same correct.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

PUBLIC HEARING

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 60 FEET BY 100 TO THE SOUTH AND EAST OF THE LICENSED PREMISES AT 5740 HIDCOTE DRIVE ON MAY 24, 2012 AND MAY 31, 2012 FROM 6:00 P.M. TO 9:00 P.M. - Justina Slattery, 5740 Hidcote Drive, came forward to answer Council questions about Art & Soul. They are planning to have a small beer garden for two nights of their summer ArtBeat Street Market events.
This matter was taken under advisement.

APPLICATION OF R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT FOR A CLASS A LIQUOR LICENSE AT 1226 P STREET;
MANAGER APPLICATION OF WILLIAM R. CARTER FOR R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT AT 1226 P STREET - William R. Carter, 1226 P Street, came forward to take the oath and answer questions. He confirmed that Dickey's Barbecue Pit currently has a liquor license at their other location.
This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN ENTERPRISE COMPANY INC., WYUKA CEMETERY AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW AN EXISTING BUILDING TO BE USED FOR RETAIL AND OTHER USES ALLOWED IN THE B-1 DISTRICT SHOULD THE PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET BE RE-ZONED FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT;
CHANGE OF ZONE 12006 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET - Larry Albers, 6710 L Street, came forward on behalf of Enterprise Company. Last February, Station 8 Post Office closed. Shortly after, a broken window and graffiti were discovered. They have been seeking a tenant or buyer for the property and are anxious to see it occupied and developed. It will be good for the neighborhood and the City. The former Post Office was a busy location with traffic volume as high as 300-400 vehicles per day. They do not anticipate that much traffic in the future and believe that the light retail B-1 zoning will be compatible with this location and neighborhood. All issues with Wyuka Cemetery have been worked out, including a continued access easement to the north of the property which allows continued access as is. The Planning Department and the neighborhood also approve of this change. In answer to Council questions, Mr. Albers replied that the access agreement extends onto vacated P Street for perpetual access; however, the parking lot to the north belongs to Wyuka and is not included in the sale.
This matter was taken under advisement.

CHANGE OF ZONE 12007 - APPLICATION OF GEICO DEVELOPMENT INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST PLEASANT HILL ROAD AND SOUTH CODDINGTON AVENUE - Mike Eckhart, Civil Design Group, 8535 Executive Woods Drive, Suite 200, came forward on behalf of Larry and Diane Geiger. This change of zone will allow this remaining parcel of land to be developed into an acreage, similar to the surrounding properties. The community unit plan to overlay this zoning has been approved by the Planning Commission.
This matter was taken under advisement.

APPROVING THE FOOD AND BEVERAGE SERVICES AGREEMENT FOR THE PINNACLE BANK ARENA AND RELATED FACILITIES BETWEEN THE CITY OF LINCOLN AND SMG FOOD AND BEVERAGE LLC DBA SAVOR FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM;
APPROVING THE MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG TO OPERATE AND MANAGE THE PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - Tom Lorenz, General Manager of Pershing Center, came forward to give his background and to answer Council questions.

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Council Member Eskridge asked about the role of alcohol at the arena. Mr. Lorenz replied that there will be no alcohol served at University of Nebraska events. Alcohol will be sold at appropriate events to enhance ambiance and to generate a revenue stream. Because it is sold to a captured audience, the price is higher. They train staff often, have complete control over times of sale, and also read the crowd to maintain control. It is an important revenue stream and it will be a service the arena provides.

Council Member Camp asked Mr. Lorenz about the management of parking areas. Mr. Lorenz stated they will be managing three parking areas. Suite holders and loge seat holders will park in the premium garage that is attached to the arena on the south, which holds 280 vehicles. Parking spaces in this lot will be sold at some events to generate additional revenue to help fund operations. There is another small lot where athletes and University staff, and arena and support staff will park. To the north of the arena, between the Saltdogs' lots and the tracks, there is a festival space that will become a parking facility which will hold 1,300 to 1,500 vehicles.

Council Member Camp asked about the transition from Pershing to the arena and the subsidies that the City will be responsible for during this transition. Mr. Lorenz explained that in the pro forma, the \$200,000 base management fee was included in the break even computations and will come out of operations. At this point, they are not expecting the need for any operational subsidy. Until the arena opens, Pershing will continue to operate as it is and will still look to the City for the subsidy. Booking events at Pershing will likely go one year beyond the opening of the arena in order to accommodate regular clients. The potential increase in size at the Lancaster County Event Center will not create overlap because they do events of a different scale and variety from events held at the arena. There is room for both in Lincoln.

Council Member Carroll asked Mr. Lorenz to discuss why Savor was chosen for the contract, and to discuss the management of Pinewood Bowl. SMG works in a variety of areas and Savor is the food & beverage arm of the management company. They worked with tax attorneys to ensure that any compensation they received, and the contract itself, would not jeopardize tax exempt status. The food and beverage operation was separated from the management operation and takes a 4% commission on food and beverages. This summer there will be at least five shows at Pinewood Bowl. Rent is being paid to the Parks Department, who will assist with parking. A promotional partner working out of Kansas booked the shows and is taking on some risk. Alcohol will be sold at events to create a good atmosphere. Pinewood Bowl is already enclosed by a six-foot fence, and it is believed that this will create a safer environment by discouraging drinking in other areas of the park. They are very excited by the possibilities of this project.

In answer to Council Chair Hornung, Mr. Lorenz replied that there used to be shows at Pinewood Bowl that were mildly successful, even without the additional revenue from alcohol. They reached out to the Parks Department and put together a favorable package that takes advantage of SMG's experience managing venues and handling alcohol safely.

Council Chair Hornung questioned Mr. Lorenz about incentive fees that SMG will receive in addition to the base management fee, revenue stream, and Pershing Center. Mr. Lorenz stated that they get a 30% incentive fee for any amount beyond the point of breaking even, up to a maximum of \$200,000.00, as allowed by the IRS. When they first bid for the contract, they looked only at the management of the Pinnacle Bank Arena. The City asked them to get the numbers to an operational break even point, so they decided to take on the parking garage, festival space, and Pinewood Bowl. Instead of raising the base fee, they accepted the additional 4% from the food and beverage sales. Projecting approximately 3 to 4 million dollars in food and beverage sales from all of the venues, that amounts to approximately \$120,000.00 per year. In summary, SMG will get the base management rate of \$200,000.00, up to an additional \$200,000.00 in incentives, and the 4% from food and beverage sales. All other revenue belongs to the City. Additional revenue will be generated from pouring rights on beverages and from advertising dollars. These dollars, along with other things like suite and loge revenue and naming rights, will flow first to the Joint Public Agency to pay back bonds. Dollars for funding operations and the break even point from which SMG's fees will be paid will come from food and beverage sales, ticketing fees, rent, and merchandise. As stewards of the arena, they gather dollars for the City, and the compensation they are entitled to is capped. The terms of this contract are fairly typical and the City has a way out through a 180 day clause. There is also a competition provision that prevents SMG from managing other venues within 75 miles of Lincoln. They currently manage a venue in Council Bluffs but will be leaving by the end of June this year. They are also willing to extend the mileage to include Grand Island. SMG is incentivized to hit numbers which requires booking a certain number of events and reaching close to 700,000 in attendance. Pershing has not been able to reach its break even point due to the scale of the venue. Larger acts cannot be booked there. In addition, no revenue is generated from parking, and there are limited concourses and cuing for food and beverages.

Council Member Camp asked if the City will be responsible for the repair and maintenance of the arena. Mr. Lorenz explained that when the tax revenues were projected over time, they were kept flat even though they will increase. The arena's new systems are under warranty for several years. As they start to age, that increase will be put back into the building. Council Member Camp stated that the City overtly supports Pershing, but this Arena has the tax base for support, in addition to the revenue it will generate.

Rick Peo, City Law Department, came forward to answer Council questions. The City is able to enter directly into contracts for service without a request for proposal. Pinewood Bowl was added to the contract to manage concert type events, but the Parks Department will still be managing other City events at that venue. In order for Grand Island to be included in the competition provision, an amendment to the contract that is agreeable to all parties would be required.

Robert Way, 801 El Avado Ave., came forward to express his concerns that charging a high price for alcohol might cause some people to take greater risks in order to save money.

This matter was taken under advisement.

APPROVING THE FIRST AMENDMENT TO PARKING LOT GROUND LEASE BETWEEN LINCOLN DEPOT LIMITED PARTNERSHIP (LESSOR) AND THE CITY OF LINCOLN (LESSEE) TO REFLECT A REDUCTION IN RENT DUE TO THE JPA'S PURCHASE OF THE PARKING LOTS IN THE LEASE - Rick Peo, City Law Department, came forward to answer questions. This was designed to reduce the rent for Iron Horse Parking Lot north of the Lincoln Station Building. The lot will be sold to the JPA for consolidation as part of the Lincoln Traction project.

Marvin Krout, Lincoln-Lancaster County Planning Director, came forward to answer Council questions. The current rent is approximately \$120,000.00 so the total reduction would be 43.7% of that. The percentage was calculated not on a per stall basis but on a per square foot basis, so the number of stalls on the south end must be roughly 57% of the total number of square feet involved in the contract.

This matter was taken under advisement.

PROVIDING AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2011 - 2012 - Harry Kroos, Public Works & Engineering Department, came forward to state that there were only two properties that needed snow and ice removal from sidewalks this past winter and this proposal is to assess the cost of that removal.

This matter was taken under advisement.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATED TO ALCOHOLIC LIQUOR TO REQUIRE A VALID RESPONSIBLE BEVERAGE SERVER PERMIT OR RESPONSIBLE BEVERAGE MANAGEMENT CERTIFICATE FOR ANY PERSON SELLING OR SERVING ALCOHOLIC LIQUOR AT RETAIL AND TO DELETE THE PROHIBITION OF LIQUOR SALES BETWEEN 6:00 A.M. AND NOON ON SUNDAY - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to present the staff report. The task force assembled four times since the last Public Hearing and included industry representatives. Although the group worked together to make sure all of their interests were represented, it should in no way be interpreted to mean that everyone was in support of this ordinance. The cost of the permit has been lowered to \$15.00 for a three year permit. That number was arrived at in good faith that the numbers provided by the industries were accurate and that grant funds will be available to maintain the online system. The Health Department will now conduct all of the inspections for permit compliance rather than splitting this duty with the Lincoln Police Department. In order to avoid redundancies, no administrative action will be taken until after criminal convictions occur. We identified opportunities for the industry to look at how inspections will be done, how to get permits, specific violations that would take administrative action, penalties for offenses, and revocation and reinstatement policies. People will be able to access the online system October 1st. It will be free for the first six months. Enforcement will begin April 1st of 2013. Mr. Rupe, Executive Director of the Nebraska Liquor Control Commission, attended a meeting and discussed requirements for in-store training approval. Lincoln's system will be uploaded to the NLCC's site and individuals will not be required to pay the \$10.00 State fee if they use the City system. In addition to State laws, permit holders are required to show a working knowledge of four additional rules required by the City of Lincoln: the prohibition of drinking or being intoxicated while on duty, the hours of sale, the requirement of a person over the age of 21 on site anywhere alcohol is sold, and the hours minors are allowed in establishments. The permit follows the individual, not the establishment. We are working out the logistics for several items including issues related to special events and payment methods for large employers. Industries asked that Lincoln businesses be treated the same as out of town businesses for large events. We discussed outcome indicators for the ILC to measure the success of this program. We also specifically discussed the terms for denial, suspension, revocation, and reinstatement. In answer to Council questions, Ms. Halstead explained that having separate permits for on and off sale is inconvenient because it would require many individuals to obtain two separate permits. Signs and symptoms of intoxication or how individuals are asked for their identification are the same whether employees are in an on sale or off sale environment. Other training programs are approved, so it is not a requirement to use the City's training, though it is free. Ms. Halstead gave a description of the task force, who was included, and how discussions occurred. Each item in the

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ordinance was discussed one by one. The task force was not assigned to discuss the exclusion of certain groups from the ordinance. It was made clear from the beginning that neither the task force, nor the Health Department, has any say over this matter. Their task was to only to clarify issues.

Dave McCleery, Store Director Russ's Market, Coddington & A Street, came forward in opposition to the permits required by this ordinance. Mandatory permits for grocery store clerks have no relationship to how consumers use alcohol days or even weeks after they leave the store. Clerks are purveyors of alcohol, but not servers. Better analysis of information originating from Cornhusker Place should occur. Mr. McCleery requests that six months be taken to analyze exactly when off sale purchases were made by those in detox. It would be beneficial to have a pilot program involving downtown bars to see the impact on numbers at Cornhusker place. Another solution could be to only require establishments that sell alcohol after 1:00 a.m. to have permits. In answer to Council questions, Mr. McCleery stated that the oversight of the Liquor Commission is sufficient. Other than being excluded entirely from this requirement, there is little else the task force could have changed about the ordinance to make it more satisfactory. He confirmed that at his store, the liquor section is separated from the rest of the store.

Council Member Carroll stated that 13 grocery stores sold alcohol to minors last year. There is also a high failure rate during compliance checks at grocery and convenience stores. There are people buying that should not be allowed to.

Council Member Camp stated that his proposed amendment would require only those who serve alcohol to obtain a permit. Though he is not condoning mistakes, percentage wise, the mistakes made by grocers are minimal.

Jeff Lemon, B & R Stores, came forward in opposition to the required permits. A cashier selling food items does not need a food handlers permit, but a waitress serving food does. There should be different levels of permits for different services. Permits do not ensure compliance; even with exceptional training, people make mistakes. A person buying a 12 pack of beer may or may not be the end user of that product. It may be consumed in 2 hours or 2 weeks. A person getting a drink in a bar is going to consume that drink immediately. When there is only one class of permit, people may receive extra information that does not apply to their situation. This increases the likelihood that they will dismiss other relevant parts of the training. In answer to Council questions, Mr. Lemon confirmed that there is a person who pours wine for tasting events at their store. They do have a training program in place that could be submitted for approval by the Nebraska Liquor Control Commission, which could reduce redundancy or extra information in their training. He described a typical wine tasting event and how they separate the area from the general public shopping in the store.

Rob Steider, Spirits Director for B & R Stores, came forward in opposition to the requirement for permits. They have eleven stores in Lincoln. Forty-eight percent of the employees are cashiers. Employees are trained in many different areas to be proactive and responsible retailers in the community. B & R stores understand that there is no obligation to pay the permit fees for employees but plan on doing so to attract the best employees from the limited number of qualified applicants. This will cost the company thousands of dollars every year. No benchmarks have been set for this program. What will we consider success? We propose that off sale not be included until the program can be reevaluated. In answer to Council questions, Mr. Steider replied that ten B & R stores sell alcohol and there have been no infractions in the past 4 years. They do not serve alcohol with any of their catering services but there is one event where alcohol is served. There is no problem with requiring that servers at that event obtain the permit, but it should be held to the same standards as City events held on public property. The amendment proposed by Council Member Camp requiring only those employees who pour alcohol to obtain the permit would be acceptable.

Council Member Carroll stated that it is difficult to separate on sale and off sale establishments because grocery stores hold events where alcohol is served to the public.

Larry Elias, Director of Sales & Merchandising for B & R Stores, came forward in opposition to this ordinance. It is a stretch to make the assumption that the twenty to thirty percent of people at Cornhusker Place who stated they purchased their alcohol from off sale bought the alcohol while they were intoxicated. The majority of their alcohol sales are not purchased for immediate consumption. Cashier are responsible for discerning whether someone is intoxicated when they sell, but equating a cashier with a server is inappropriate. There is concern about this cost and the burden the permit places on businesses. In order to acquire quality employees, B & R will pay this fee, but the extra costs incurred will impact the cost of food. In answer to Council questions, Mr. Elias discussed the possibility of absorbing this extra cost by raising alcohol prices. There are problems with this solution such as competition with other stores or the potential for collusion if all stores agreed to do this. It is difficult for stores and inconvenient for customers when alcohol sales are funneled through specific check-out lanes. Training programs come at a cost to employers even without additional fees because of the time spent developing the programs and the wages paid to employees during training.

Scott Schlatter, Store Director at Hy-Vee, 70th & Pioneers, came forward in opposition to the requirement for a permit. He stated that in-store training has worked well. There is no problem with implementing a more uniform training for all stores; it is the permit process the industry does not like.

Council Member Carroll stated that some stores were doing hundreds of tasting events each year until eventually, they changed to the unlimited Class C liquor licenses. He reiterated the difficulty in separating on sale and off sale establishments. He clarified that if a store chose to terminate an individual who received a violation, that is their choice. Under this ordinance, the City only requires them to retake the training after a first offense, and does not have any jurisdiction over who is hired or fired. The permit will, however, make it clear to any new employer that the individual received the violation.

In answer to Council questions, Mr. Schlatter stated that store managers communicated with the Council people from their own districts. They discussed alternative training options and fees. He confirmed that they do not currently pay any fees, and because they have no history of violations, this is not a problem that needs solving.

Kathy Siefken, Executive Director of the Nebraska Grocery Industry Association, came forward in opposition to this ordinance. She stated that the questions asked of individuals at Cornhusker Place are not sufficient. Twenty-five to thirty percent of people say they purchased their alcohol from off sale. When was it purchased? Were they sober when they bought it? Until more thorough questions are asked, these figures should not be used to promote this burdensome permit. Training already exists in the grocery industry and there are very few violations. The problem is not originating from grocery stores or restaurants; the problem is on sale alcohol at bars. Online sales to minors have also become a problem. It is not fair for the grocery industry to carry the burden when it is such a small part of the problem. This program is not sustainable at the \$15.00 amount.

Council Member Carroll stated that many options were discussed. If grocers take advantage of the City of Lincoln training, which meets the same standards for training as the Grocery Industry Training Program plus includes the specific training for Lincoln, they will save money by avoiding the \$10.00 training fee and the \$10.00 State certificate fee.

Jim Partington, Executive Director of Nebraska Restaurant Association, came forward in opposition to this ordinance. When he joined the discussion, there was no option to suggest anything other than how to best implement the ordinance. His recommendation would have been to simplify the process by allowing all businesses to establish their own training programs, recognized by the Nebraska Liquor Control Commission and the City Council, without the bureaucratic overlay of the permit. Small businesses might be more negatively impacted. There should be a grace period to allow flexibility in dealing with the rapid turnover in this industry. In answer to Council questions, Mr. Partington stated that the 2:00 a.m. closing time was of little concern to restaurants because very few establishments are serving food and alcohol that late.

Council Member Carroll pointed out that the permit follows the employee from job to job. It is an advantage to know if that individual received any violations at past jobs.

Brian Kitten, co owner of Brewsky's Food & Spirits, came forward in opposition to this ordinance. He stated that he was in favor of the 2 a.m. closing time, but he did not realize this training was part of that ordinance, or he would not have supported it. At Cornhusker Place last year, 800 of the 1,300 - 1,400 check-ins came from the "hot 26" locations identified by the Liquor Commission, and 100 of those came from a single location. The permit process will not solve this problem when there are a few bad operators who disregard their training. There needs to be more consistency between training and enforcement. It will also be unreasonable to wait the 30 days for the Health Department to issue permits. In answer to Council questions, Mr. Kitten discussed his own operation, and the consequences to himself and his employees if they receive a violation.

Judy Halstead clarified that servers are required to have food handlers permits prior to serving, and it would be the same for serving alcohol. The Health Department does acknowledge that while a new employee is in training alongside an experienced employee with a permit, the person actually doing the serving is open to interpretation. If, during an inspection, there are employees who do not have permits, they have 10 days to comply. She also clarified that individuals can get permits online anytime. The language in the ordinance about the 30 day processing time was only included to account for if the training was not available online.

Ginny Wright, 5111 Vine Street, #101, came forward to state that although licensing at least provides recourse for the City when there are problems, she questions whether it really protects the public. The cost of addiction is the bigger issue, and the City should ask better questions and conduct more sophisticated analysis of information regarding this issue in order to have a better understanding of the big picture.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, JUNE 11, 2012 AT 3:00 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
TO PROVIDE AUTHORITY TO CREATE A PAVING DISTRICT IN GLADSTONE FROM 35TH TO 36TH STREETS AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET;

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TO PROVIDE AUTHORITY TO CREATE AND ORDER CONSTRUCTED A SPECIAL ASSESSMENT DISTRICT FOR AN 8-INCH SANITARY SEWER MAIN IN ALMIRA LANE, APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET - This item was approved by City Council, 6-0.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 7, 2012 - 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, JUNE 4, 2012 AT 3:00 P.M. FOR THE APPLICATION OF K & Z DISTRIBUTING CO., INC. DBA K & Z DISTRIBUTING CO. FOR A CLASS X LIQUOR LICENSE LOCATED AT 6301 NORTH 60TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86824 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 4, 2012, 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 K & Z Distributing Co., Inc. dba K & Z Distributing Co. Class X liquor license located at 6301 North 60th Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, JUNE 11, 2012 AT 3:00 FOR THE APPLICATION OF FAMOUS BRANDS GROUP LLC DBA TILTED KILT FOR A CLASS I LIQUOR LICENSE LOCATED AT 6100 O STREET, 5 GATEWAY MALL, SUITE 406 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86825 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 11, 2012, 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 Famous Brands Group LLC dba Tilted Kilt Class I liquor license located at 6100 O Street, 5 Gateway Mall, Suite 406..

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

Introduced by Eugene Carroll

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver No. 12005 approved by the Planning Director on May 14, 2012, requested by Olsson Associates, for a waiver to adjust the design standards to allow outdoor lighting to exceed 2.0 vertical foot-candles at the right-of-way line along N. 8th St. and "R" St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 60 FEET BY 100 TO THE SOUTH AND EAST OF THE LICENSED PREMISES AT 5740 HIDCOTE DRIVE ON MAY 24, 2012 AND MAY 31, 2012 FROM 6:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Came, who moved its adoption for approval:

A-86826 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 Countryview Studios Inc. dba Art & Soul for a Special Designated License to cover an area measuring 60 feet by 100 feet to the south and east of the licensed premises at 5740 Hidcote Drive, Lincoln, Nebraska, on May 24, 2012 and May 31, 2012 between the hours of 6:00 p.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED 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 and carried by the following vote: AYES: Carroll, Camp, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

APPLICATION OF R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT FOR A CLASS A LIQUOR LICENSE AT 1226 P STREET (5/14/12 - Con't. P.H. to 5/21/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86827 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 R&W BBQ, Inc. dba Dickey's Barbecue Pit for a Class "A" liquor license at 1226 P Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that the premises 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 and carried by the following vote: AYES: Carroll, Camp, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF WILLIAM R. CARTER FOR R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT AT 1226 P STREET (5/14/12 - Con't. P.H. to 5/21/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86828 WHEREAS, R&W BBQ, Inc. dba Dickey's Barbecue Pit located at 1226 P Street, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that William R. Carter be named manager; WHEREAS, William R. Carter 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 William R. Carter 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 and carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

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

APPROVING THE FIRST STREET AND HIGHWAY 2 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN SHARON Y. SCHWARTZ AND MARLYN SCHWARTZ, JEFFREY T. COLSON AND LANETTE COLSON, AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW THE DEVELOPMENT OF PROPERTY LOCATED AT FIRST STREET AND HIGHWAY 2 (CHENEY) TO BE LIMITED TO MINI-WAREHOUSING SHOULD THE PROPERTY BE RE-ZONED FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT. (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12)

CARROLL Moved to delay Bill No. 12R-95 for P.H. in two weeks to June 4, 2012.

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

CHANGE OF ZONE 12005 - APPLICATION OF SHARON SCHWARTZ AND JEFFREY COLSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND FIRST STREET (CHENEY) (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) - PRIOR to reading:

CARROLL Moved to delay Bill No. 12-48 for P.H. in two weeks to June 4, 2012.

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

CLERK Read an ordinance, introduced by Jon Camp, 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 second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN ENTERPRISE COMPANY INC., WYUKA CEMETERY AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW AN EXISTING BUILDING TO BE USED FOR RETAIL AND OTHER USES ALLOWED IN THE B-1 DISTRICT SHOULD THE PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET BE RE-ZONED FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT. (RELATED ITEMS: 12R-96, 12-49) (ACTION DATE: 6/4/12)

CHANGE OF ZONE 12006 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM

O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET (RELATED ITEMS: 12R-96, 12-49) (ACTION DATE: 6/4/12) - CLERK read an ordinance, introduced by Jon Camp, 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 second time.

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CHANGE OF ZONE 12007 - APPLICATION OF GEICO DEVELOPMENT INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST PLEASANT HILL ROAD AND SOUTH CODDINGTON AVENUE - CLERK read an ordinance, introduced by Jon Camp, 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 second time.

APPROVING THE FOOD AND BEVERAGE SERVICES AGREEMENT FOR THE PINNACLE BANK ARENA AND RELATED FACILITIES BETWEEN THE CITY OF LINCOLN AND SMG FOOD AND BEVERAGE LLC DBA SAVOR FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, approving the Food and Beverage Services Agreement for the Pinnacle Bank Arena and Related Facilities between the City of Lincoln and SMG Food and Beverage LLC dba SAVOR for a three year term commencing September 1, 2013 with the option to renew for one additional three year term, the second time.

APPROVING THE MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG TO OPERATE AND MANAGE THE PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, approving the Management Agreement for Pinnacle Bank Arena between the City of Lincoln and SMG to operate and manage the Pinnacle Bank Arena and other Facilities for a three year term commencing September 1, 2013 with the option to renew for one additional three year term, the second time.

APPROVING THE FIRST AMENDMENT TO PARKING LOT GROUND LEASE BETWEEN LINCOLN DEPOT LIMITED PARTNERSHIP (LESSOR) AND THE CITY OF LINCOLN (LESSEE) TO REFLECT A REDUCTION IN RENT DUE TO THE JPA'S PURCHASE OF THE PARKING LOTS IN THE LEASE - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the First Amendment to the Parking Lot Ground Lease Agreement between the City of Lincoln and the Lincoln Depot Limited Partnership to Amend the Parking Lot Ground Lease entered into on September 30, 1988 to delete a portion of the property described as Lot 4, Block 1, Lincoln Station Addition, as this property is being purchased by the West Haymarket Joint Public Agency and will no longer be a part of the leased space, the second time.

PUBLIC HEARING - RESOLUTIONS

PROVIDING AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2011 - 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86829

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

That the snow removal costs for snow and ice removal off sidewalks for the 2011-2012 winter season as listed below be and the same hereby are assessed against the property listed opposite the amount.

Location	Legal Description	Snow Removal Charges
4321 Gertie Avenue	Lot 6, Block 10 Hoppe Heights	\$171.50
6248 Holdrege Street	Lot 4, Block 2 Sunset Meadow	\$236.50

Introduced by Jon Camp

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

**PUBLIC HEARING
ORDINANCE - 3RD HEARING**

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATED TO ALCOHOLIC LIQUOR TO REQUIRE A VALID RESPONSIBLE BEVERAGE SERVER PERMIT OR RESPONSIBLE BEVERAGE MANAGEMENT CERTIFICATE FOR ANY PERSON SELLING OR SERVING ALCOHOLIC LIQUOR AT RETAIL AND TO DELETE THE PROHIBITION OF LIQUOR SALES BETWEEN 6:00 A.M. AND NOON ON SUNDAY (4/23/12 - P.H. con't. w/Action on 5/21/12) - PRIOR to reading:

CARROLL

Moved to Amend Bill No. 12-40 by accepting Substitute Ordinance No. 1.

Seconded by Emery & carried by the following vote: AYES: Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: Camp; ABSENT: Cook

CLERK

Read substitution ordinance, introduced by Eugene Carroll, amending Chapter 5.04 of the Lincoln Municipal Code relating to Alcoholic Liquor by amending Section 5.04.010 to declare that the legislative intent in adopting and administering this ordinance is for education and accountability; amending Section 5.04.020 to provide definitions for "health director" and "serve"; amending Section 5.04.035 to rename the certificate currently required for managers and licensees; amending Section 5.04.040 to specify that the required notice and hearing set forth in this section applies only to applications for a liquor license; adding a new section numbered 5.04.124 to require beginning April 1, 2013, a valid Responsible Beverage Server/Seller Permit or Responsible Beverage Management Certificate for any person selling or serving alcoholic liquor at retail; adding a new section numbered 5.04.125 to establish the application process, terms and conditions of Responsible Beverage Server/Seller Permits; adding a new section numbered 5.04.126 to provide that all permit fees

paid pursuant to Section 5.04.125 be deposited in the Responsible Beverage Server/Seller Fund; adding a new section numbered 5.04.127 to provide the process for the denial, suspension or revocation of a Responsible Beverage Server/Seller Permit; amending Section 5.04.130 to delete the prohibition of liquor sales between 6:00 a.m. and noon on Sunday; adding a new section numbered 5.04.175 to require liquor licensees to maintain an up-to-date list of all individuals who sell or serve alcoholic liquor at retail and to make such list available to a City of Lincoln police officer or the Health Director upon request; amending Section 5.04.200 to authorize the Health Director to enter the premises of any liquor licensee at any time to examine said premises for compliance with the responsible beverage management provisions in this chapter; amending Section 5.04.210 to replace references to special designated permit with special designated license; amending Section 5.04.300 to increase the penalty for violations of this chapter from imprisonment in the county jail for a period of three months to a period of six months; adding a new section numbered 5.04.310 to provide for severability of this ordinance; and repealing Sections 5.04.010, 5.04.020, 5.04.035, 5.04.040, 5.04.130, 5.04.200, 5.04.210, and 5.04.300 of the Lincoln Municipal Code as hitherto existing.

CARROLL Moved to pass ordinance as amended.

Seconded by Eskridge and carried by the following vote: AYES: Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: Camp; ABSENT: Cook.

The substitution ordinance, being numbered #19712, is recorded in Ordinance Book #27, Page .

CAMP Moved to Amend Bill No. 12-40 by accepting the Substitute Ordinance No.2.

Seconded by Hornung & failed by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Emery, Eskridge, Schimek; ABSENT: Cook.

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

CHANGE OF ZONE 12003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT, FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY LOCATED IN THE WEST HAYMARKET GENERALLY FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET (RELATED ITEMS: 12-43, 12-44, 12R-81) Action Date: 5/21/12) - CLERK read an ordinance, introduced by DiAnna Schimek, 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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19713, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12004 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING FIGURE 27.35.070(A) WITHIN SECTION 27.35.070 TO REFLECT THE REVISED HEIGHT LIMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT; ADDING A NEW SECTION NUMBERED 27.59.015 TITLED SCOPE OF REGULATIONS TO CLARIFY THAT AIRPORT ZONING REGULATIONS ARE APPLICABLE IN ALL UNDERLYING ZONING DISTRICTS AND APPLY TO BOTH PUBLIC AND PRIVATE ENTITIES; AMENDING SECTION 27.59.040 RELATING TO AIRPORT ZONING HEIGHT RESTRICTIONS TO REPLACE THE METES AND BOUNDS DESCRIPTION WITH A REFERENCE TO THE AIRPORT ZONING MAP; AMENDING SECTION 27.69.035 AND TABLE 1, OFF PREMISES SIGNS, WITHIN SECTION 27.69.040 TO PROHIBIT THE LOCATION OF OFF PREMISES SIGNS IN THE HAYMARKET AND DOWNTOWN AREAS OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT WEST OF 9TH STREET; REPEALING SECTIONS 27.35.070, 27.59.040, AND 27.69.035 AND TABLE 1 WITHIN SECTION 27.69.040 (OFF-PREMISES SIGNS) OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AMENDING THE LINCOLN AIRPORT ZONING MAP DATED FEBRUARY 25, 2002 TO BE CONSISTENT WITH FIGURE 27.35.070(A); AND AMENDING THE LINCOLN CAPITOL ENVIRONS DISTRICT HEIGHT REGULATION MAP TO REFLECT A 57-FOOT HEIGHT REQUIREMENT WEST OF THE CAPITOL (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12) - CLERK read and ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Figure 27.35.070(a) within Section 27-35-070 to reflect the revised height limits in the B-4 Lincoln Center Business District; adding a new section numbered 27.59.015 titled Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; amending Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description with a reference to the Airport Zoning Map; amending Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; repealing Sections 27.35.070, 57.59.040, and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal Code as hitherto existing; amending the Lincoln Airport Zoning Map dated February 25, 2002 to be consistent with Figure 27.35.070(a); and amending the Lincoln Capitol Environs District Height Regulation Map to reflect a 57-foot height requirement west of the Capitol, the third time.

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SCHIMEK Moved to pass the ordinance as read.
Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19714**, is recorded in Ordinance Book #27, Page .

MISC. NO. 12001 - AMENDING CHAPTER 3.76, LINCOLN DOWNTOWN DESIGN STANDARDS, OF THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 4.1, SITE DEVELOPMENT, AND SECTION 4.2, BUILDING FEATURES, TO ADDRESS EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE DOWNTOWN. (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A 86830 WHEREAS, the City of Lincoln has previously adopted Resolution No. A-85010 amending the City of Lincoln Design Standards to add Chapter 3.76, the Lincoln Downtown Design Standards, providing design standards for exterior features of projects requiring building permits in the B-4 Lincoln Center Business District and in the O-1 Office District; and

WHEREAS, the Planning Director has proposed amendments to Sections 4.1 and 4.2 of Chapter 3.76, the Lincoln Downtown Design Standards, by amending Section 4.1 to add a new subsection 4.1.g prohibiting drive-through facilities in the area of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of P Street, 14th Street and N Street, and by amending Section 4.2 to add additional detail provisions regarding approved and prohibited building materials under subsection 4.2.a., to include parking structures along Canopy Drive under subsection 4.2.b as a location where parking structures shall be designed with useable floor area on the ground floor between parking areas and public sidewalks, and to require under 4.2.d that ground floor buildings with frontages along Canopy Drive shall have transparent glazing in at least 70% of the area between 4 feet and 9 nine feet above the sidewalk except in the case of residential buildings, and repealing Sections 4.1 and 4.2 as hitherto existing.

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

That Chapter 3.76, Lincoln Downtown Design Standards, of the City of Lincoln Design Standards, adopted by the City Council on September 8, 2008 by Resolution No. A-85010, be and the same is hereby amended by amending Section 4.1, Site Development, and Section 4.2, Building Features, as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by Dianna Schimek

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

STREET NAME CHANGE 12001 - RENAMING THAT PORTION OF SOUTH 83RD STREET WHICH EXTENDS SOUTH FROM THE INTERSECTION OF SOUTH 83RD STREET AND WENDELL WAY, AS SOUTH 83RD BAY - CLERK read an ordinance, introduced by DiAnna Schimek, changing the name of that portion of South 83rd Street which extends south from the intersection of South 83rd Street and Wendell Way, to South 83rd Bay, as recommended by the Street Name Committee, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19715**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS-GENERAL RULES AND REGULATIONS AND TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY AMENDING SECTION 12.08.010 TO REVISE THE DEFINITION OF "PARK" AND TO ADD A DEFINITION FOR "PARK FACILITY"; AMENDING SECTION 12.08.020 TO INCLUDE WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES AS ACCEPTABLE VEHICLES TO OPERATE IN AREAS OTHER THAN A ROADWAY; AMENDING SECTION 12.08.070 TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO OCCUPY OR BE PRESENT IN A PARK FACILITY DURING ANY HOURS SAID PARK FACILITY IS NOT OPEN TO THE PUBLIC AND TO PROVIDE THAT THE SIDEWALKS ON CENTENNIAL MALL SHALL BE OPEN TWENTY-FOUR HOURS A DAY; AMENDING SECTION 12.08.170 TO INCLUDE A PROHIBITION AGAINST DESTRUCTION AT PARK FACILITIES; AMENDING SECTION 14.40.050, BUILDINGS IN STREET SPACE, TO PROHIBIT THE ERECTION OF ANY TEMPORARY OR PERMANENT BUILDING OR STRUCTURE, INCLUDING TENTS, UPON ANY PUBLIC GROUND WITHOUT A PERMIT; AMENDING SECTION 14.54.010, DEFINITIONS RELATING TO OCCUPANCY ABOVE OR BELOW PUBLIC PROPERTY TO AMEND THE DEFINITION OF "STRUCTURE"; AND AMENDING SECTION 14.54.020 TO CLARIFY THAT A PERMIT IS REQUIRED WHEN ERECTING EITHER A TEMPORARY OR A PERMANENT BUILDING OR STRUCTURE UNDERNEATH, ON, OR ABOVE PUBLIC GROUND - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 12.08 of the Lincoln Municipal Code relating Parks-General Rules and Regulations and Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by amending Section 12.08.010 to revise the definition of "park" and to add a definition for "park facility"; amending Section 12.08.020 to include wheelchairs and other power-driven mobility devices as acceptable vehicles to operate in areas other than a roadway; amending Section 12.08.070 to provide that it shall be unlawful for any person to occupy or be present in a park facility during any hours said park facility is not open to the public and to provide that the sidewalks on Centennial Mall shall be open twenty-four hours a day; amending Section 12.08.070 to include a prohibition against destruction at park facilities; amending Section 14.40.050, Buildings in Street Space, to prohibit the erection of any temporary or permanent building or structure, including tents, upon any public ground without a permit; amending Section 14.54.010, definitions relating to Occupancy Above or Below Public Property to

amend the definition of "structure"; amending Section 14.54.020 to clarify that a permit is required when erecting either a temporary or a permanent building or structure underneath, on, or above public ground; and repealing Sections 12.08.010, 12.08.020, 12.08.070, 12.08.170, 14.40.050, 14.54.010, and 14.54.020 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19716, is recorded in Ordinance Book #27, Page .

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing the issuance of not to exceed \$8,800,000 principal amount of general obligation refunding bonds, series 2012; prescribing the form of the bonds; fixing in part and providing for the fixing in part of the terms of the bonds; providing for the levy and collection of an annual tax to pay the principal of and interest on such bonds; authorizing certain other documents and actions in connection therewith; and related matters, the first time.

APPROVING THE SALE OF CITY OWNED SURPLUS PROPERTY DESCRIBED AS THE EAST FOUR FEET OF LOT 14 AND ALL OF LOT 15, SHELDON AND ERNST'S SUBDIVISION, COMMONLY KNOWN AS 2420 VINE STREET, TO RICHARD AND HEIDI TAST FOR A SUM OF \$20,000.00 - CLERK read an ordinance, introduced by Eugene Carroll, authorizing the sale of a surplus property at 2420 Vine Street legally described as the east four feet of Lot 14 and all of Lot 15, Sheldon and Ernst's Subdivision, Lincoln, Lancaster County, Nebraska, the first time.

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE, RULES OF THE ROAD, BY AMENDING SECTION 10.14.290 RELATING TO CARELESS AND RECKLESS DRIVING TO ADD LANGUAGE TO HARMONIZE THE SECTION WITH STATE STATUTE LANGUAGE; ADDING A NEW SECTION NUMBERED 10.14.295 TO HARMONIZE THE PENALTY FOR VIOLATION OF SECTION 10.14.290(B), RECKLESS DRIVING, WITH STATE STATUTE; BY AMENDING SECTION 10.14.300 RELATING TO WILLFUL NEGLIGENT, CARELESS, AND RECKLESS DRIVING TO DELETE THE VIOLATIONS OF WILLFUL NEGLIGENT AND WILLFUL CARELESS DRIVING AND TO ADD LANGUAGE TO HARMONIZE THE SECTION AND PENALTY WITH STATE STATUTES - CLERK read an ordinance, introduced by Eugene Carroll, amending Lincoln Municipal Code Chapter 10.14, Rules of the Road, by amending Section 10.14.290 relating to careless and reckless driving to add language to harmonize the section with state statute language; adding a new section numbered 10.14.295 to harmonize the penalty for violation of Section 10.14.290(b), reckless driving, with state statute; by amending Section 10.14.300 relating to willful negligent, careless, and reckless driving to delete the violations of willful negligent and willful careless driving and to add language to harmonize the section and penalty with state statutes; and repealing Sections 10.14.290 and 10.14.300 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

WAIVER NO. 12004 - APPLICATION OF KATIE CLORAN TO REDUCE THE REQUIRED PARKING FOR A PROPOSED RESTAURANT ON PROPERTY GENERALLY LOCATED AT N. COTNER BOULEVARD AND FAIRFAX AVENUE.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BOUND TREE MEDICAL LLC FOR THE PURCHASE OF CONTROLLED ACCESS PHARMACEUTICAL DISPENSER MACHINES ALONG WITH THE NECESSARY SOFTWARE, SERVICE, TRAINING, SUPPORT, SERVER HOSTING AND DATA STORAGE FOR A 36 MONTH TERM PURSUANT TO BID NO. 12-015.

APPROVING AMENDMENTS TO AGREEMENTS FOR THE ANNUAL REQUIREMENTS FOR EQUIPMENT AND ACCESSORY RENTAL, PURSUANT TO BID NO. 09-279, BETWEEN THE CITY OF LINCOLN AND HAMILTON EQUIPMENT, MURPHY TRACTOR, AND NCS EQUIPMENT FOR ADDITIONAL TWO YEAR TERMS.

APPROVING AN AMENDMENT TO AGREEMENT FOR THE ANNUAL REQUIREMENTS FOR LIQUID INJECTION OF BIOSOLIDS, PURSUANT TO BID NO. 10-056, BETWEEN THE CITY OF LINCOLN AND PARKER AG SERVICES, LLC FOR AN ADDITIONAL TWO YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TIGHTON TOOLS AND FASTENERS FOR THE ANNUAL SUPPLY OF BUS WASH DETERGENT, PURSUANT TO QUOTE 3891, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2012.

APPROVING THE NEBRASKA LOCAL PUBLIC AGENCY INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS TO PROVIDE A RESPONSIBLE CHARGE PERSON IN SUPPORT OF THE FEDERALLY FUNDED PROJECT "LET'S ALL PEDAL TO PRESCOTT" TO CREATE A SAFE, SECURE AND ATTRACTIVE BICYCLE COURT AT THE MAIN ENTRANCE OF PRESCOTT ELEMENTARY SCHOOL.

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OPEN MICROPHONE - NONE

ADJOURNMENT 8:52 P.M.

CAMP Moved to adjourn the City Council meeting of May 21, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant