

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 4, 2012 AT 3:00 P.M.**

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

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

CAMP Having been appointed to read the minutes of the City Council proceedings of May 21, 2012 reported having done so, found same correct.

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

**BOARD OF EQUALIZATION
MONDAY, JUNE 4, 2012 2012 3:00 P.M.**

SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT

CLERK Stated this hearing was continued from May 14, 2012. She called for a motion to continue the hearing to July 9, 2012.

COOK Moved to delay the South Street Maintenance BID five weeks to July 9, 2012.

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

ADJOURNMENT

3:03 P.M.

Regular City Council Meeting convened 3:03 p.m.

PUBLIC HEARING

APPLICATION OF TRES JALISQUILLOS INC. DBA LA FIESTA SPORT BAR, TO MOVE THEIR PRESENTLY LICENSED CLASS C LIQUOR LICENSE FROM 1037 L STREET, SUITE A TO 935 O STREET - Allan Eurek, 3901 Normal Blvd. #203, Attorney for the applicant, came forward to take oath and answer questions about the transfer of liquor license. He presented history of the business leading up to its closure in December 2011. He said currently the company has entered into a new lease at a new location and will make appropriate arrangements to operate under the name of "Mayas". Mr. Eurek said that although a shooting at the L Street location was unfortunate, the business assisted police in supplying security camera surveillance leading to the identification, arrest and conviction of the perpetrator.

Manuel Perez, President of the Corporation and Business Manager, came forward to take oath and answer questions about neighboring business concerns. In response to the shooting incident, Mr. Perez said he there was no proof that the perpetrator was his bar patron. He said he complied with a City request to paint over graffiti.

This matter was taken under advisement.

APPLICATION OF K & Z DISTRIBUTING CO., INC. DBA K & Z DISTRIBUTING CO. FOR A CLASS X WHOLESALE LIQUOR LICENSE AT 6301 N. 60TH STREET;

MANAGER APPLICATION OF MILAN KNEZOVICH, FOR K & Z DISTRIBUTING CO. INC. DBA K & Z DISTRIBUTING CO. AT 6301 N. 60TH STREET - Milan Knezovich, owner of K & Z Distributing which has been in business since 1965, came forward to take oath and answer questions.

This matter was taken under advisement.

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 - Steve Hubka, City Finance Department, came forward to state that the ordinance allows for refunding of Series 2003 GO Bonds

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callable in 2013. He said refinancing of bonds will allow the City to take advantage of very favorable interest rates. Mr. Hubka provided an outline of expected figures.

Lauren Wismer, Gillmore & Bell, was on hand for questioning.

This matter was taken under advisement.

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 - David Landis, Director of Urban Development, came forward to state that in 1996 the City obtained control of this lot for \$5,000. Mr. Landis said Mr. & Mrs. Tast were the only respondents and their plan is to build a single-family, handicapped-accessible home on the property.

This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to state the purpose of the amendments would be to bring the City's reckless driving ordinance into compliance with the state statute. He said definitions and penalties also differed slightly which caused problems with administrative actions taken by the Department of Motor Vehicles.

This matter was taken under advisement.

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;

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) - Council Chair Hornung proposed that these items will be placed on indefinite pending. He encouraged anyone from the public to come forward to speak. Council Member Carroll explained further that the pending request came from the attorney representing the developers.

This matter was taken under advisement.

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 - Scott Barnhill came forward representing his parents, John & Darlene Barnhill, regarding their denied claim for water damages resulting from development in 1974-1975 east of their property.

John Barnhill, 6951 Benton St., came forward to state that the sewer drain problem may have been stopped but the cost to him has not been resolved.

Rod Confer, City Attorney, came forward to explain the reason for denial. He said due to the statute of limitations requiring a person to make a claim within a year of the time that the claim accrues, the City had no other choice but to deny the claim. Mr. Confer said the Barnhills have an alternative to bring their case to court.

Kelly Sneed, 3410 S. 75th St., came forward regarding her denied claim. She presented her situation involving a vehicle which sustained damage from a pothole in the roadway.

Mr. Confer came forward to discuss the notification of a defect in the roadway and the reasonable time allowed to repair it.

David Sands, 8110 SW 27th St., came forward representing his nephew, Scott Pauley, whose claim for reimbursement for medical expenses was denied. Mr. Sands said the unprovoked assault which occurred in the University Parking Garage could have been prevented if there had been sufficient surveillance cameras on City property.

Mr. Confer came forward to discuss the unfortunate incident that occurred in the early morning hours of November 5. He stated the city was neither aware of any danger in its parking garages nor negligent in response to danger in that area.

This matter was taken under advisement.

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 - Clerk stated that Urban Development has requested to continue public hearing with action to June 11.

Council Chair Hornung asked for anyone present to speak on this item today as well as on the proposed date of June 11, 2012.

This matter was taken under advisement.

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 - Maralee Cloran came forward to speak on behalf of her daughter, Katie Cloran, who is restoring an old building with plans to open Grateful Bakery. She said most customers will arrive by foot or bike but there is available side street parking or at a nearby parking lot offered by Bethany Christian Church. Ms. Cloran said the business hours will be 7 to 11 a.m., Wednesday through Sunday.

This matter was taken under advisement.

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 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 12-006, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM - Bob Walla, Asst. Purchasing Agent, came forward to answer questions. Mr. Walla explained the amendment which is a rejection of the \$25 wait fee. He clarified total towing fee costs.

Council Chair Hornung inquired about contract awards to lowest bidders. Mr. Walla responded with answers. He said Purchasing Department determines the lowest responsible, responsive bidder. He said companies who do business with the City are kept on file and any department complaints are registered. If there are numerous complaints, a vendor performance meeting is held between the City department, the vendor and Purchasing Dept. to resolve issues. Mr. Walla clarified that the contract is not an automatic extension after four years. It is an option for renewal by both parties and requires Council approval.

Jeff Jackson, Midwest Towing, 400 West P St., came forward to comment on Bid discrepancies. He feels there are exceptions being done for Capital Towing.

Sara Schwartztrauber, Co-owner of Capital Towing, came forward and clarified percentages. She also said Line Item 24 asks any submitter to list additional charges and she stated that other submitters have an opportunity to do the same thing. She discussed the notification process and other expenses.

Mr. Walla came forward in rebuttal to clarify additional fees.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) - 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 MAY 14, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 21, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF APRIL, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

FINANCIAL STATEMENTS FROM LINCOLN ELECTRIC SYSTEM FOR DECEMBER 31, 2011 AND 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2012 AT 3:00 P.M. FOR THE APPLICATION OF BURRITO BUILDERS LINCOLN #101, LLC DBA PANCHERO'S MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE LOCATED AT 2910 PINE LAKE ROAD, SUITE N - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86831 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 18, 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 Burrito Builders Lincoln #101, LLC dba Pancho's Mexican Grill for a Class A liquor license located at 2910 Pine Lake Road, Suite N.

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

Introduced by Carl Eskridge

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12027 to Special Permit No. 2022C, Pine Lake Heights South 4th Addition, approved by the Planning Director on May 25, 2012 requested by Jim Hutchinson to increase the square footage on Lot 6, Block 2, from 3,500 square feet to 4,300 square feet on property generally located at S. 27th Street and Grainger Parkway.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 12008 - Requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code ("Zoning Code") to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses down to 14 Use Groups, eliminating the possibility that a use type is not listed by making the use groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner; by adding a new Chapter 27.02 to provide definitions and repealing Chapter 27.03 as hitherto existing; by adding a new Chapter 27.06 titled "Use Groups" to classify and combine the main use of a building and/or premises into 14 Use Groups based upon functional and physical use type characteristics, to designate specific use types within each Use Group as permitted, permitted conditional, and permitted special uses within each zoning district; by adding a new Chapter 27.62 titled "Conditional Uses"; by adding a new Chapter 27.64 titled "Use Permits"; by adding a new Section 27.70.060 to regulate temporary buildings and temporary fences; by adding a new Chapter 27.72 titled "Height and Lot Requirements", and repealing Chapter 27.71 in its entirety; and by making other multiple amendments to Chapters 27.05 (Districts

and Boundaries), 27.07 (AG District), 27.09 (AGR District), 27.11 (R-1 District), 27.13 (R-2 District), 27.15 (R-3 District), 27.17 (R-4 District), 27.19 (R-5 District), 27.21 (R-6 District), 27.23 (R-7 District), 27.24 (R-8 District), 27.25 (O-1 District), 27.26 (O-2 District), 27.27 (O-3 District), 27.28 (R-T District), 27.29 (B-1 District), 27.31 (B-2 District), 27.33 (B-3 District), 27.35 (B-4 District), 27.37 (B-5 District), 27.39 (H-1 District), 27.41 (H-2 District), 27.43 (H-3 District), 27.45 (H-4 District), 27.47 (I-1 District), 27.49 (I-2 District), 27.51 (I-3 District), 27.63 (Special Permits), 27.64 (Use Permits), 27.67 (Parking), and 27.69 (Signs), to implement the Use Groups; and repealing the amended sections within the above-referenced chapters of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 12009 - Requested by Civil Design Group, Inc. amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director authority to approve amendments to a planned unit development or community unit plan to allow a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling; by further amending Section 27.65.060 to grant the Planning Director authority to approve amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway behind a garage attached to a multi-family dwelling to be used toward satisfaction of required parking; by amending Section 27.65.090 to delete the requirement that the use of such stacked parking stalls in satisfaction of required parking be approved by the Planning Commission; and repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 12012 - Requested by Lana Perez from R-4 Residential District to I-1 Industrial District on property generally located at SW 1st Street and West J Street.

Change of Zone No. 12013 - Requested by Olsson Associates from H-2 Highway Business District to R-2 Residential District on property generally located at N. 52nd Street and O Street.

Change of Zone No. 12014 - Requested by Eiger Corp. from B-5 Planned Regional Business District to H-4 General Commercial District on property generally located at S. 84th Street and Amber Hill Road.

Special Permit No. 435F - Requested by Gateway Senior Living to expand the boundaries of the special permit for construction of additional units and a waiver to increase the height on property generally located at N. 52nd Street and O Street.

Special Permit No. 12019 - Requested by Archi + Etc., LLC to preserve a landmark by permitting the utilization of the property for office and educational uses with waiver of rear yard setback and parking requirements on property generally located at 700 North 16th Street.

Special Permit No. 12021 - Requested by R.L. Tiemann Construction, Inc. for expansion of a nonconforming use into the side yard setback on property generally located at S. 13th Street and Saratoga Avenue (2300 S. 13th Street).

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF TRES JALISQUILLOS INC. DBA LA FIESTA SPORT BAR, TO MOVE THEIR PRESENTLY LICENSED CLASS C LIQUOR LICENSE FROM 1037 L STREET, SUITE A TO 935 O STREET - PRIOR to reading:

ESKRIDGE Moved to Delay Action one week to June 11, 2012. Seconded by Carroll.
 COOK Moved a friendly amendment to include Public Hearing. Eskridge accepted.
 Motion carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF K & Z DISTRIBUTING CO., INC. DBA K & Z DISTRIBUTING CO. FOR A CLASS X WHOLESALE LIQUOR LICENSE AT 6301 N. 60TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86832 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 K & Z

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Distributing Co., Inc. dba K & Z Distributing Co. for a Class "X" liquor license at 6301 North 60th 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 & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF MILAN KNEZOVICH, FOR K & Z DISTRIBUTING CO. INC. DBA K & Z DISTRIBUTING CO. AT 6301 N. 60TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86833 WHEREAS, K & Z Distributing Co., Inc. dba K & Z Distributing Co. located at 6301 North 60th Street, Lincoln, Nebraska has been approved for a Retail Class "X" liquor license, and now requests that Milan Knezovich be named manager;

WHEREAS, Milan Knezovich 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 Milan Knezovich be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND 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 second 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 second 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 second time.

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) (5/21/12 - P.H. con't to 6/4/12) - PRIOR to reading:

CARROLL Moved to Place Bill No. 12R-95 on Pending, No Date Certain.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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) (5/21/12 - P.H. con't to 6/4/12) - PRIOR to reading:

CARROLL Moved to Place Bill No. 12-48 on Pending, No Date Certain.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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.

PUBLIC HEARING - RESOLUTIONS

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 - PRIOR to reading:

SCHIMEK Moved to amend Bill No. 12R-102 to delay action on the Scott D. Pauley claim.

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

CLERK Read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86834 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
John & Darlene Barnhill	\$30,800.00	Glen Soukup	\$500.00
Gaye Richardson	10,000.00	United States Postal Service	157.00
Rey Cruz	1,164.93		
Kelly Sneed	418.93		
Kara Strong	382.76	Gordon Kyhn	\$1,000,000.00
Douglas S. Minnick	144.00		
Shirley Knutson	75.00		
Paul Enders	749.00		
Lighthouse	107.00		
Dennis Webster	22.45		
Hank Bruner	162.69		
Scott D. Pauley	6,814.00		
Charles Hoster Jr.	81.50		
Cristy Johns	900.00		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Eugene Carroll

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

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

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PRESCOTT" TO CREATE A SAFE, SECURE AND ATTRACTIVE BICYCLE COURT AT THE MAIN ENTRANCE OF PRESCOTT ELEMENTARY SCHOOL - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

CARROLL Moved to have Public Hearing with Action on Bill No. 12R-103 in one week to June 11, 2012.

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86835 WHEREAS, Katie Cloran, pursuant to Lincoln Municipal Code § 27.67.030(f) has requested special review and approval allowing a waiver of the required parking for a change of use from a hair salon to a restaurant in a 1,750 square foot building generally located at North Cotner Boulevard and Fairfax Avenue and legally described as:

The North Half of Lot 1, Block 57, Bethany Heights, Lincoln, Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a. The existing use (hair salon) is located in the B-1 district and is required to have 5 to 6 parking stalls based upon the ratio of one off-street parking stall per 300 sq. ft. of floor area. Current parking for the hair salon does not meet this minimum requirement and is considered non-standard. The proposed change in use to a restaurant is required to have 15 to 18 parking stalls based upon the ratio of one off-street parking stall per 100 square feet of floor area.

b. Due to the location of the building there is no available land for the expansion of parking without demolishing existing buildings.

c. Installing a parking lot along North Cotner Boulevard in this block would disrupt the character of the area.

d. The waiver of the required parking at this location will not adversely affect the surrounding uses.

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

In consideration of the findings made above, the requirement to provide additional parking stalls for a change of use from a hair salon to a restaurant on property legally described above is hereby waived pursuant to § 27.67.030(f) of the Lincoln Municipal Code under the following conditions:

1. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors and assigns.

2. The City Clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefor to be paid in advance by the Owner.

Introduced by Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86836 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 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, upon the terms and conditions as set forth in said Purchase Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86837 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the three attached Amendments to Agreements for Annual Requirements for Equipment and Accessory Rental between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Murphy Tractor & Equipment Co., Inc., NCS Equipment, Inc., and Hamilton Equipment Co., for equipment and accessory rental for all City of Lincoln Departments as needed, pursuant to Bid No. 09-279, for additional two-year terms, upon the terms as set forth in said Amendments to Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86838 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 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, upon the terms and conditions as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86839 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 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, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 12-006, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM (5/14/12 - CON'T P.H. TO 6/4/12) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12R-94 in the following manner:

1. Replace page 2 of the Contract Agreement with the attached page 2 which includes the following language:

Agreement to full proposal with the exception that the \$25.00 wait fee listed in the response to Attribute No. 24 shall not be charged to City or General Public. The City of Lincoln shall not be liable for any of the other additional fees listed in Attribute No. 24.

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

CLERK Read the following amended resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86840 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Capital Towing, Inc., pursuant to Bid No. 12-006, for the annual requirements for City of Lincoln Towing and Storage Services for a four-year term with an option to renew for one additional four-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same and any subsequent amendments on behalf of the City of Lincoln.

Introduced by DiAnna Schimek

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

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

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86841 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Development and Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Enterprise Company Inc., and Wyuka Cemetery, upon the terms and conditions contained in said Agreement to prohibit the development of an existing building from being used for specifically listed retail and other uses allowed in the B-1 Local Business District should the property be rezoned from O-2 Suburban Office District to B-1 Local Business District on the property generally located at North 35th Street and O Street and legally described as the west 15 feet of Lot 3, and Lots 4 through 9, except for the southwest corner of Lot 7 taken for a street, and the west 15 feet of Lot 10, and all of the vacated east-west alley adjacent thereto, in Block 19, Ridgeway, Lincoln, Lancaster County, Nebraska (Lancaster County Parcel No. 17-19-418-001-000), and the south half of vacated P Street abutting the west 15 feet of Lot 3 and all of Lots 4 through 6, Block 19, Ridgeway, Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Jon Camp

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

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19717, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19718, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19719, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19720, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19721, is recorded in Ordinance Book #27, Page .

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

CREATING PAVING DISTRICT NO. 2631 IN GLADSTONE FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Carl Eskridge, creating Paving District No. 2631, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING SANITARY SEWER DISTRICT NO. 1187 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN ALMIRA LANE APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, creating Sewer District No. 1187, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

VACATION 12001 - VACATING A PORTION OF 4TH STREET RIGHT-OF-WAY, A PORTION OF R STREET RIGHT-OF-WAY, A PORTION OF THE EAST/WEST ALLEY WITHIN BLOCKS 266, 267, 248 AND ALL OF THE EAST/WEST ALLEY WITHIN BLOCK 249, ORIGINAL PLAT OF LINCOLN, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHT-OF-WAYS SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of 4th Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley within Blocks 266, 267, 248 and all of the east/west alley within Block 249, Original Plat of Lincoln, retaining title thereto in the City of Lincoln, Nebraska declaring the vacated right-of-ways surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the first time.

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COMP. PLAN CONFORMANCE NO. 12006 - DECLARING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET AND M STREET AS SURPLUS (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 4.4 acres of City owned property generally located east of South 21st Street and M Street as surplus, the first time.

CHANGE OF ZONE NO. 12011 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT AND FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET, SOUTH OF N STREET (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE NO. 12010 - AMENDING SECTION 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO ALLOW THE CITY COUNCIL TO WAIVE THE 100-FOOT SEPARATION REQUIREMENT SET FORTH IN SUBSECTION 27.63.685(C) UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 27.63.685 of the Lincoln Municipal Code to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A STARTRAN TRANSPORTATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR THE ROUTE #24 - HOLDREGE INTER-CAMPUS BUS SERVICE ROUTE FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Carl Eskridge, approving a StarTran Transportation Agreement between the City of Lincoln and the University of Nebraska-Lincoln for the Route #24 - Holdrege inter-campus bus service route for a five year term, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPOINTING DON HERZ TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2014.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2102.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRIBOLOGIK CORPORATION FOR PROVIDING OIL ANALYSIS, REPORTING AND RELATED SUPPLIES FOR STARTRAN, PURSUANT TO QUOTE 3900, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ARAMARK UNIFORM SERVICES FOR PROVIDING RENTAL AND CLEANING OF FLOOR MATS, MOPS AND VARIOUS CLEANING TOWELS FOR STARTRAN, PURSUANT TO QUOTE 3902, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA GAME AND PARKS COMMISSION TO CONSTRUCT AND OPERATE A SHOOTING SPORTS COMPLEX WITHIN A PORTION OF HELEN BOOSALIS PARK AT 44TH AND SUPERIOR STREET.

APPLICATION OF KATIE CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN ADA ACCESSIBLE RAMP ON PROPERTY GENERALLY LOCATED AT 1551 NORTH COTNER BOULEVARD.

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ROADS TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT SUPERIOR STREET AND I-180 EAST RAMP.

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APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA-LINCOLN COUNTY EXTENSION NUTRITION EDUCATION PROGRAM TO PROVIDE NUTRITION EDUCATION SERVICES AT THE LINCOLN MEDICAL EDUCATION PARTNERSHIP AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS & CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM.

APPOINTING NICK CUSICK TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2013.

OPEN MICROPHONE - NONE

ADJOURNMENT 4:32 P.M.

CAMP Moved to adjourn the City Council meeting of June 4, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Office Specialist

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