

AGENDA

BOARD OF EQUALIZATION  
MONDAY, JULY 9, 2012, 3:00 P.M.

SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT

THIS DISTRICT IS DESCRIBED AS SOUTH STREET FROM THE ALLEY WEST OF 9<sup>TH</sup> STREET EAST TO 19<sup>TH</sup> STREET.

- I CALL TO ORDER
- II ELECTION OF CHAIR
- III CHAIR READS STATEMENT
- IV CLERK READS DESCRIPTION OF BUSINESS IMPROVEMENT DISTRICT
- V TESTIMONY BY STAFF (Urban Development Dept.)
- VI TESTIMONY BY PUBLIC
- VII QUESTIONS OF COUNCIL TO STAFF
- VIII VOTE ON BUSINESS IMPROVEMENT DISTRICT
- IX ADJOURN SINE DIE

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THE MINUTES OF THE BOARD OF EQUALIZATION  
ON BUSINESS IMPROVEMENT DISTRICT HELD  
ON MONDAY, APRIL 30, 2012 IMMEDIATELY PRECEDING  
REGULAR CITY COUNCIL MEETING

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Doug Emery, Carl Eskridge, Adam Hornung, DiAnna Schimek.

CARROLL Moved to elect Adam Hornung as Chair for the South Street Business Improvement District.

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

HORNUNG Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT DESCRIBED AS SOUTH STREET FROM THE ALLEY WEST OF 9<sup>TH</sup> STREET EAST TO 19<sup>TH</sup> STREET.

David Landis, Director of Urban Development, came forward to state that since the time of the last meeting, numbers have been corrected and the Business Improvement District has been advertised again for public notice. The total amount is \$11,708.82 for 6,184 total linear footage. The property owners will not be asked to replace 4 trees. The bills have been placed into their correct calendar years; these bills were off because a contractor turned in several months of bills on December 31, which made it difficult to pay during that calendar year. There will be a collective meeting with the property owners and the neighborhood association in November to gather input and discuss what needs to be done before making a plan for the coming year. The invoices will be directed in a timely fashion so there will not be a repetition of events.

VOTING SESSION

SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT DESCRIBED AS SOUTH STREET FROM THE ALLEY WEST OF 9<sup>TH</sup> STREET EAST TO 19<sup>TH</sup> STREET.

CARROLL Moved approval of the Business Improvement District as assessed.

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

ADJOURNMENT

ESKRIDGE Moved to adjourn the Board of Equalization Meeting on the South Street Maintenance BID.

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

3:08 P.M.

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**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, July 9, 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; City Clerk, Joan E. Ross.

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**

Eskridge Having been appointed to read the minutes of the City Council proceedings of June 25, 2012 reported having done so, found same correct.

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

**PUBLIC HEARING**

CHANGE OF ZONE 12013 - APPLICATION OF GATEWAY PROPERTIES FOR A CHANGE OF ZONE FROM H-2 HIGHWAY COMMERCIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 52ND STREET AND R STREET - Nate Buss, Olsson Associates, came forward representing the applicant, Gateway Senior Living Center. This item is for the rezone of an area adjacent to the existing Gateway property, generally located just north of the Hy-Vee gas station, to allow the expansion of the existing facility and to get an access over to 52<sup>nd</sup> Street for the residents of the facility. In answer to Council questions, Mr. Buss replied that there is no pedestrian connectivity to the Hy-Vee store and other commercial areas on O Street; he is unsure of what is being proposed for the area west of the Cheddar's restaurant. It is estimated that the Phase 3 construction will be at least 50 feet away from the Hy-Vee gas station.

This matter was taken under advisement.

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE'S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYEE CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE'S COMPENSATION - Don Taute, Assistant City Attorney, came forward to answer questions. This is the final piece of the settlement package that has been worked out with the Page Union. The contract was adopted by Council on June 25<sup>th</sup>. The Motion to Amend is to change the effective date and to provide for the 9% and 7% pension contribution, reduced from the 12% and 6%.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES - Scott Holmes, Environmental Public Health Manager with the Lincoln-Lancaster County Health Department, came forward to explain these updates to air regulations. The Health Department appears before Council once or twice a year with changes that reflect those made in State regulations, which often reflect changes made to Federal regulations by the EPA. This program is operated on a local level, working directly with businesses. One aspect that particularly affects small businesses is the change to dry cleaning rules. Previously, dry cleaners were required to have an operating permit. The regulatory burden is being reduced for them by eliminating this permit. In addition, changes are being made to some elements such as particulate matter definitions. In answer to Council questions, Mr. Holmes explained that the use of perchlorethylene, a cancer causing substance historically used by dry cleaners, has been nearly eliminated or replaced by more efficient machines and silica-based products. The motion to amend is to replace the existing attachment with a complete one.

This matter was taken under advisement.

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL TRANSIT ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR MASS TRANSIT WORKERS IN SAFETY SENSITIVE FUNCTIONS;

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR EMPLOYEES OPERATING COMMERCIAL MOTOR VEHICLES - Don Taute, Assistant City Attorney, came forward to answer questions. These items are updates to City regulations that coincide with changed FDA regulations. They include minor changes, such as the addition of the drug Ecstasy to drug screening tests. Although the second item does not require approval from a governmental body, it seemed appropriate to bring it before Council at the same time. Note that the name of the agency has changed from the Federal Highway Administration to the Federal Motor Carrier Safety Association.

This matter was taken under advisement.

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COMPREHENSIVE PLAN AMENDMENT 12002 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE ANTELOPE CREEK WATERSHED BASIN MANAGEMENT PLAN TO THE LIST OF SUBAREA PLANS IN THE PLAN REALIZATION CHAPTER AND TO ADD LANGUAGE TO THE ENERGY AND UTILITIES CHAPTER TO BETTER DESCRIBE THE VARIETY OF WATERSHED PLANNING ACTIVITIES BEING CONDUCTED IN LINCOLN AND LANCASTER COUNTY - Ben Higgins, Public Works & Utilities, came forward to request for approval to amend the 2040 Comprehensive Plan to include the Antelope Creek Watershed Basin Management Plan as an approved subarea plan, and to include some text changes that go along with that plan. Watershed basin projects have been done for the past ten years, and the goal is to have a unified drainage master plan for the entire city. This is a joint project with the Lower Platte South NRD and has included a public process involving open houses, a citizen advisory committee, a website, newsletters, and shareholder meetings. The goal of the plan was to come up with projects and programs to help reduce pollutant levels in Antelope Creek, increase awareness and education about water quality, and apply the lessons learned to other watersheds. The total estimated cost over a 40 year period is 57 million for all programs and projects. One reason for having large, all encompassing projects is for the acquisition of grant funds from the Federal government; the City needs to be able to show a plan for reduction of pollutant levels down to the State standards. Because that is such a large sum, it was recommended that we implement an initial 5-year phase, which will cost 1.7 million dollars and will include programs such as bridge retrofits to discourage bird roosting, water quality monitoring and targeted rain gardens. After the 5-year period, an evaluation will be completed to check the progress and effectiveness of this project. In answer to Council questions, Mr. Higgins replied that this is like a pilot project and money will come from bond and grant projects. It is likely one or two projects will be funded with each bond issue.

This matter was taken under advisement.

COMBINED SPECIAL PERMIT/USE PERMIT NO. 10B - APPLICATION OF EAST PARK IMPROVEMENTS, LLC, TO REDUCE THE AMOUNT OF REQUIRED OFF-STREET PARKING FOR EAST PARK PLAZA GENERALLY LOCATED AT NORTH 66TH STREET AND O STREET - Jeremy Williams, Design Associates of Lincoln, came forward on behalf of the owners to request this waiver on the parking requirement for the East Park Plaza. The area has 215 thousand square feet total of commercial and retail space and includes the nonconforming movie theater as a large tenant. This will allow the owners more flexibility in getting new tenants. In answer to Council questions, Mr. Williams confirmed that the intention is not to build anything new, but simply to address the needs of different potential tenants that might have a higher parking requirement. The total reduction in number of spaces is approximately 480 stalls. There are still several unoccupied pad sites. The old mall building has been converted mostly to large box tenants.

Marvin Krout, Director of Planning, came forward to answer Council questions. In B-2 zoning districts for smaller shopping centers, there has been a one space per 300 square foot requirement for all retail and office uses. Restaurants would need more, and the movie theater would also have to calculate separately. The City has a lesser requirement than the B-2 district, and statistics indicate that the larger the shopping center, the less per square foot parking demand and traffic generation. This area is self-contained and there is no potential for spillover to residential areas or other commercial areas. Across the country, the trend is to look at parking, and if there is no issue in terms of spillover, to leave decisions to the property owner and the lenders. In this case, we have never seen more than half of the parking in use at any one time. In a larger shopping center, there is a greater mix of uses with different peak times. It can be an administrative nightmare for the property owners and for Building & Safety to keep track of all these variations. So the point is to promote less regulation and more efficiency.

Jonathan Cook, Council Member, expressed concern over predicting potential spillover parking and the lack of specific, quantitative regulation for cases such as this. Mr. Krout replied that in cases where there is residential adjacency, care would need to be taken, but East Park has no residential neighborhoods in its immediate vicinity. He explained how parking is calculated for areas that share common areas. In other cities, there is growing recognition that large areas require separate calculations for the different peak times and parking demands of mixed-use areas. This case involves a judgement call, but they are working on creating quantitative standards for situations like this.

DiAnna Schimek, Council Member, asked if these requirements would be similar to those of the Southpointe shopping area where she has witnessed crowding. Mr. Krout acknowledged that at Southpointe during peak times, there are parking issues, but there is never an issue finding a parking space, it is just less convenient. The real governor here is the owner and the tenants; if they are not satisfied, and if their customers are not satisfied, they will have to make other kinds of changes.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2012 ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS - Dave Landis, Director of Urban Development, came forward to state that this document is from the U.S. Department of Housing and is a 3 year plan which is updated annually and includes a public involvement process. The funds are typically used to help with housing, livable conditions and economic opportunity. About 1.5 million dollars is spent annually for housing projects to make sure that citizens have rehabilitated housing and a good place to live. Approximately \$345,000 is spent on community development projects such as streetscapes and parks in low and moderate income level areas. Mr. Landis stated that he also came forward to report that in the 3-year time, the Community Development Block Grant funds have decreased by 18%, and the home funds have gone down by 35%. This is a trend that has significance for the future.  
This matter was taken under advisement.

APPROVING THE 2012-13 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works & Utilities, came forward for this request for approval of the annual work plan with the NRD. This plan is similar to plans of the past several years. It provides guidelines on the cost share of programs and projects. The total cost is approximately 4.2 million dollars and the City's share comes mostly from grants and stormwater bond funds.  
This matter was taken under advisement.

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "TYRRELL PARK WATER QUALITY IMPROVEMENT" - Ben Higgins, Public Works & Utilities, came forward to state that on most bond issues, a parks project is attached. The project this year is for the rehabilitation of Tyrrell Park, initially brought to our attention by Councilman Emery. Tyrrell Park is located in northeast Lincoln near the intersection of 66<sup>th</sup> and Adams Streets. Projects included are channel rehabilitation and water quality enhancements. Due to the water quality aspects of this project, it is being partly funded by a Federal 319 Grant. This resolution is to provide the City authority to approve this grant which has already been approved by NDEQ and EPA. The City cost share will come out of stormwater bond funds.  
This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 18, 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 JUNE 25, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MAY 31, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 563 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2012. THIS BEING THE 26TH CONSECUTIVE YEAR NO LEVY IS REQUIRED FOR THE COMING YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk. (54-2)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF SAM'S WEST, INC. DBA SAM'S CLUB 4873 FOR A CLASS D LIQUOR LICENSE LOCATED AT 8480 ANDERMATT DRIVE - CLERK read the resolution, introduced by Jonathan Cook, who moved its adoption:

A-86878 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 23, 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 Sam's West, Inc. dba Sam's Club 4873 Class D liquor license located at 8480 Andermatt Drive.

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

Introduced by Jonathan Cook

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

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SETTING THE HEARING DATE OF MONDAY, JULY 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF RICHMOND ROLLINS LLC DBA BARRY'S - THE HUSKER BAR FOR A CLASS CK LIQUOR LICENSE LOCATED AT 235 NORTH 9TH STREET - CLERK read the resolution, introduced by Jonathan Cook, who moved its adoption:

A-86879 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 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 Richmond Rollins LLC dba Barry's - The Husker Bar Class CK liquor license located at 235 North 9th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF KONTOR, KURT T. & KRISTINE L. DBA THE UNDERGROUND FOR A CLASS C LIQUOR LICENSE LOCATED AT 3233 1/2 SOUTH 13TH STREET - CLERK read the resolution, introduced by Jonathan Cook, who moved its adoption:

A-86880 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 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 Kurt T. & Kristine L. Kontor dba The Underground Class C liquor license located at 3233 1/2 South 13th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF KHANH DINH DBA CAFÉ LI LI FOR A CLASS A LIQUOR LICENSE LOCATED AT 3111 O STREET, SUITE D - CLERK read the resolution, introduced by Jonathan Cook, who moved its adoption:

A-86881 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 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 Khanh Dinh dba Café Li Li Class A liquor license located at 3111 O Street, Suite D.

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

Introduced by Jonathan Cook

Seconded by Carroll and 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. 12025 to Special Permit No. 1702, Crooked Creek Community Unit Plan, approved by the Planning Director on June 20, 2012, requested by Legacy Homes, LLC., to amend the setback requirements in Note 25 to allow a reduction of the front yard setback on Lot 31 and Lot 39 along Cypress Point from 25 feet to 20 feet, except that no garage shall be less than 22 feet from the curb or edge of the sidewalk along Cypress Point, on property generally located at S. 134th St. and Highway 34.

Administrative Amendment No. 12029 to Change of Zone No. 2531, Williamsburg Village Planned Unit Development, approved by the Planning Director on June 26, 2012, requested by Jared Muth, to allow the reconstruction of an unenclosed deck at 6510 Yorktown Court, as long as it does not encroach any further into the rear yard than the existing deck (which would be approximately 16.5 feet from the rear lot line at its closest point), on property generally located at S. 32nd St. and Williamsburg Dr.

Waiver No. 12009 to Administrative Final Plat No. 93032, approved by the Planning Director on June 21, 2012, requested by Ticonderoga Land Co., for a waiver to extend the time for two years to install sidewalks for Ticonderoga Center. The improvements shall be completed by June 21, 2014. Property is generally located at N. 27th St. and Superior St.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 05012A - Wood Bridge Planned Unit Development, requested by Krueger Development, to amend the existing Planned Unit Development District to allow an increase in floor area for mini-storage from approximately 58,200 square feet to 84,000 square feet, on the property legally described as Lots 1-5, and Outlots A and B, Wood Bridge 2<sup>nd</sup> Addition, located in the NE 1/4 of Section 24-9-6, Lancaster County, Nebraska, generally located at Pine Lake Road and Helen Witt Drive.

Change of Zone No. 12017 - Requested by Kari Hoeft, from R-2 Residential District to O-2 Suburban Office District, on property legally described as Lot 23, Block 2, Herbert Brothers Park Plaza, located in the SE 1/4 of Section 21-10-7, Lancaster County, Nebraska, generally located at N. 66<sup>th</sup> Street and Vine Street.

Change of Zone No. 12019 - Requested by Baylor Evnen, for a reduction in the Building Line District from 125' to approximately 108', on property legally described as Lot 65, located in the SE 1/4 Section of 23-9-7, Lancaster County, Nebraska, generally located at First Street and Highway 2, Cheney.

Special Permit No. 11015A - Requested by Kelly Langer, an amendment to an existing special permit for Historic Preservation, by converting the use from a church to a duplex, on property legally described as the West 57.97' of the North 100' of Lot 1, Riley & Whitney's Subdivision, located in the E1/2 of the E1/2 of the NE 1/4 of the SE 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska, generally located at South 40<sup>th</sup> Street & Randolph Street (3935 Randolph Street). The Planning Commission action is final, unless appealed to the City Council.

Special Permit No. 12027 - Requested by Zipline Brewing, Co., for the authority to sell alcoholic beverages on and off the premises, on property legally described as Lot 15, G & C Addition, located in the NW 1/4 of Section 28-10-06, Lancaster County, Nebraska, generally located at Magnum Circle and S. Coddington Avenue. The Planning Commission action is final action, unless appealed to the City Council.

#### MISCELLANEOUS REFERRALS - NONE

#### LIQUOR RESOLUTIONS - NONE

#### ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 12013 - APPLICATION OF GATEWAY PROPERTIES FOR A CHANGE OF ZONE FROM H-2 HIGHWAY COMMERCIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 52ND STREET AND R STREET - CLERK read an ordinance, introduced by Doug Emery, 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.

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE'S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYEE CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE'S COMPENSATION. (8/23/10 - RECONSIDERED ORDINANCE NO. 19430 - PLACED ON PENDING INDEFINITELY) (6/25/12 - REMOVED FROM PENDING TO HAVE P.H. 7/9/12 W/ACTION ON 7/16/12) - CLERK read an ordinance, introduced by Doug Emery, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, 2010 will be an amount equal to 9% of an employee's compensation; and to further provide that the mandatory employee contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, 2010 will be in an amount equal to 7% of an employee's compensation, the second time.

#### PUBLIC HEARING - RESOLUTIONS

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES. (6/18/12 - P.H. CON'T W/ACTION TO 7/9/12) - PRIOR to reading:

CARROLL Moved to amend Bill No. 12R-117 by accepting Attachment "A" attached hereto to replace Attachment "A" previously provided with Bill No. 12R-117. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

A-86882 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Amendments to Article 1, Section 5 Variance, Article 1, Section 6 Annual Fees, Article 2, Section 1 Definitions, Article 2, Section 2 Major Sources: Defined, Article 2, Section 4 Ambient Air Quality Standards, Article 2, Section 17 Construction Permits: When Required, Article 2, Section 19 Prevention of Significant Deterioration of Air Quality, Article 2, Section 20 Particulate Emissions: Limitations and Standards and Article 2, Section 22 Incinerator Emissions, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, copies of which are attached hereto, marked as Attachment "A" and made a part hereof by reference, to update regulations regarding particulate matter permitting thresholds and definitions, precursors to ozone, National Ambient Air Quality Standards, and how fees are charged for dry cleaning facilities, are hereby approved.

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The City Clerk is directed to return two (2) fully executed copies of this Resolution and Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by DiAnna Schimek

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

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL TRANSIT ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR MASS TRANSIT WORKERS IN SAFETY SENSITIVE FUNCTIONS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86883 WHEREAS, the City of Lincoln initially adopted the U.S. Department of Transportation Federal Transit Administration (FTA) Drug and Alcohol Testing Program and Policy in 1995 and adopted a revised and updated version of the FTA Drug and Alcohol Testing Program and Policy in 2005; and

WHEREAS, due to additional recent changes in the federal regulations governing the FTA Drug and Alcohol Testing Program and Policy and to comply with the updated federal regulations found in 49 C.F.R. Part 655 and 49 C.F.R. Part 40, it is necessary to adopt a further revised and updated FTA Drug and Alcohol Testing Program and Policy.

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

That the City of Lincoln Federal Transit Administration Drug and Alcohol Testing Program and Policy which is attached hereto as Exhibit A is hereby accepted and approved by the City Council of the City of Lincoln, Nebraska as the governing body of the City of Lincoln as required by the U.S. Department of Transportation Federal Transit Administration Regulations applicable to the Drug and Alcohol Testing Program and Policy applicable to mass transit employees working in safety sensitive functions.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Federal Transit Administration (FTA) Drug and Alcohol Testing Program and Policy attached hereto be submitted to Pat Kant and Doug Thorpe in the City/County Personnel Department for notice and dissemination to all affected employees as required by the federal regulations.

Introduced by Doug Emery

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

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR EMPLOYEES OPERATING COMMERCIAL MOTOR VEHICLES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86884 WHEREAS, the City of Lincoln adopted in 1995 the U.S. Department of Transportation Federal Highway Administration Drug and Alcohol Testing Program and Policy applicable to employees who operate commercial motor vehicles other than employees employed in mass transit safety sensitive functions; and

WHEREAS, due to significant updates and amendments to the federal regulations applicable to the Drug and Alcohol Testing Program and Policy (49 C.F.R. Parts 40 and 382) for employees who operate commercial motor vehicles and further due to a name change of the oversight agency from the Federal Highway Administration Division of the U.S. Department of Transportation to the Federal Motor Carrier Safety Administration, it is necessary to adopt an updated and revised Drug and Alcohol Testing Program and Policy required by the U.S. Department of Transportation Federal Motor Carrier Safety Administration.

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

That the City of Lincoln Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program and Policy which is attached hereto as Exhibit A is hereby accepted and approved by the City Council of the City of Lincoln, Nebraska as the governing body of the City of Lincoln. This Drug and Alcohol Testing Program and Policy is applicable to employees engaged in the operation of commercial motor vehicles, other than employees employed in mass transit working in safety-sensitive functions who are subject to the Federal Transit Administration Drug and Alcohol Testing Program and Policy.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program and Policy attached hereto be submitted to Pat Kant and Doug Thorpe in the City/County Personnel Department for notice and dissemination to all affected employees as required by the federal regulations.

Introduced by Doug Emery

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

COMPREHENSIVE PLAN AMENDMENT 12002 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE ANTELOPE CREEK WATERSHED BASIN MANAGEMENT PLAN TO THE LIST OF SUBAREA PLANS IN THE PLAN REALIZATION CHAPTER AND TO ADD LANGUAGE TO THE ENERGY AND UTILITIES CHAPTER TO BETTER DESCRIBE THE VARIETY OF WATERSHED PLANNING ACTIVITIES BEING CONDUCTED IN LINCOLN AND LANCASTER COUNTY - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:



A-86885 WHEREAS, the Planning Director, on behalf of the Public Works & Utilities Director, has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to add the Antelope Creek Watershed Basin Management Plan as a subarea plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the 2040 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Energy and Utilities, page 11.13

As part of the overall watershed management program, the City, in cooperation with the LPSNRD, is developing a unified master watershed management plan. This plan will provide information and computer models to aid in analyzing stormwater management alternatives. Individual Watershed Master Plans for seven six watersheds in Lincoln and the surrounding area have already been completed and are adopted as subarea plans in this document (see "Plan Realization" chapter). These plans evaluate and propose projects to address a wide range of water resources, and they are formulated in cooperation with other local, state and federal agencies. Ideally, additional watershed master plans are completed and adopted prior to urban development occurring within a new basin. This allows projects and recommendations in the master plan to be considered during the review of specific development proposals.

Watershed Master planning and the performance and adequacy of stormwater storage basins and other measures to prevent increases in peak flows will require continued assessment with the growth of the City. Upstream detention facilities are critical to preventing further increases to the floodplain, and if properly designed also help to reduce pollutant loads to downstream water bodies. Detention facilities should be identified and developed in a manner that incorporates water quality best management practices and causes minimal adverse impact to existing residential, agricultural and other land uses.

Basin management plans are a more recent watershed planning initiative that is part of the ongoing effort to proactively forecast, evaluate, and manage stormwater quality impacts associated with existing and future development and redevelopment of the City. These plans provide available information on the source of contaminants and how such contaminants can be reduced through projects and programs. They also include information for the education of the public on water quality and include projects to protect and restore stream channels. The first of these basin management plans (Antelope Creek from Holmes Lake to Salt Creek) provides a framework upon which future plans can be built.

2. Plan Realization, page 12.16

On-Going Comprehensive Plan Activities; Subarea Planning

Wilderness Park Subarea Plan; February, 2000

- NRGIS Greenprint Challenge, August, 2001
- City of Lincoln Strategic Plan for HUD Entitlement Programs; FY 2010-2012, Urban Development;
- Lincoln Water System Facilities Master Plan Update, Public Works and Utilities department; April, 2007.
- Lincoln Wastewater Facilities Master Plan, Public Works and Utilities Department; November, 2007.
- Watershed Master Plans:
  - Beal Slough Stormwater Master Plan, May, 2000
  - Southeast Upper Salt Creek Watershed Stormwater Master Plan, 2003
  - Stevens Creek Watershed Master Plan, 2005
  - Cardwell Branch Watershed Master Plan, 2007
  - Deadmans Run Watershed Master Plan, 2007
  - Little Salt Creek Watershed Master Plan, 2009
  - Antelope Creek Watershed Basin Management Plan, 2012
- Lincoln Public Schools 10 year Plan, April 2010
- North 48th Street/University Place Plan: Neighborhood Revitalization & Transportation Analysis, 2004
- Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003
- Airport West Subarea Plan, 2005
- Downtown Master Plan, 2005
- Transit Development Plan, September, 2007
- Antelope Valley Project, 1999
- West Haymarket Integrated Development Plan, July 2009
- The Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands, 2003

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Doug Emery

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

COMBINED SPECIAL PERMIT/USE PERMIT NO. 10B - APPLICATION OF EAST PARK IMPROVEMENTS, LLC, TO REDUCE THE AMOUNT OF REQUIRED OFF-STREET PARKING FOR EAST PARK PLAZA GENERALLY LOCATED AT NORTH 66TH STREET AND O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86886 WHEREAS, East Park Improvements, LLC has submitted an application in accordance with Sections 27.37.070, and 27.63.030 of the Lincoln Municipal Code designated as Combined Use Permit/Special Permit No. 10B for authority to reduce

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the amount of required off-street parking for East Park Plaza, generally located at North 66th Street and O Street, and legally described to wit:

Lot 260, Irregular Tracts, in the Southeast Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the required parking will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of East Park Improvements, LLC, hereinafter referred to as "Permittee", for authority to reduce the amount of required off-street parking for East Park Plaza on the property legally described above be and the same is hereby granted under the provisions of Sections 27.37.070, and 27.63.630 of the Lincoln Municipal Code upon condition that construction and operation of the amended Use Permit be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 219,384 square feet of floor area and a waiver to reduce the parking to one parking stall per 300 sq. ft. of floor area regardless of use.
2. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
4. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Doug Emery

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

APPROVING THE FISCAL YEAR 2012 ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86887 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2012 Third Program Year Action Plan outlining the activities and initiatives of Urban Development for CDBG and HOME entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2012 Action Plan, as prescribed in the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations and 24 C.F.R., Part 91.

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

That the FY 2012 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2012 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2012 in the amount of \$2,358,255 (\$1,564,325 CDBG and \$793,930 HOME) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations, and to supplement such Action

Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2012 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about -
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free workplace;
    - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
  - d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:
    - i. Abide by the terms of the statement; and
    - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
    - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
  - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
  - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
  - c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards

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at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG and HOME funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2012 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2012 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2012 Action Plan that:

1. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

2. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Doug Emery

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

APPROVING THE 2012-13 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86888 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2012 - 2013 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2012 - 2013 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2012 - 2013 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2012 - 2013 Work Plan for the Interlocal Agreement on Stormwater Management to Ben Higgins, Public Works and Utilities Department, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Doug Emery

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

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "TYRRELL PARK WATER QUALITY IMPROVEMENT" - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86889 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Inter-Governmental Agreement between the City of Lincoln, and the Nebraska Department of Environmental Quality, regarding the Implementation of the Section 319 Project Entitled "Tyrrell Park Water Quality Improvement", upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for Section 319 grant funding to improve water quality and address degradation of a short channel section in Tyrrell Park.

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The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Ben Higgins, Public Works & Utilities Department, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Doug Emery

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

**ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING. (6/25/12 - ACTION OMITTED) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86877 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, an amendment to Section 1.2 of Chapter 3.35, Design Standards for Community Unit Plans, is necessary to provide a minimum setback for multi-family dwellings that exceed the zoning district height abutting a single family dwelling, and to conditionally allow accessory garages and driveways within the setback area; and

WHEREAS, an amendment to Section 7.3 of Chapter 3.50, Design Standards for Screening and Landscaping, is necessary to provide minimum screening for multi-family dwellings and certain accessory garages and driveways when the multi-family dwelling exceeds the zoning district height and abuts an existing or future single- or two-family dwelling.

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

1. That Section 1.2, "Shape, size and locations of buildings; open space buffers," of Chapter 3.35, Design Standards for Community Unit Plans, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. That Section 7.3, "Multiple Family Dwellings Approved by Special Permit," of Chapter 3.50, Design Standards for Screening and Landscaping, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as shown on Attachment "B" 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, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING AMENDMENT NO. 3 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF APPROXIMATELY 40.68 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86890 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Amendment No. 3 to the Village Gardens Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Village Gardens Development Company, LLC and the City of Lincoln, Nebraska, with respect to development of property generally located at South 56th Street and Yankee Hill Road, is approved and the Mayor is authorized to execute the Amendment No. 3 to the Village Gardens Conditional Annexation and 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 the Planning Department, for distribution to the Owner.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jon Camp

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

ANNEXATION NO. 12003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41 ACRES GENERALLY LOCATED AT SOUTH 63RD STREET AND PINE LAKE ROAD (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19737, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 04075C - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO CHANGE THE ZONING FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, TO EXPAND THE AREA OF THE PUD BY APPROXIMATELY 41 ACRES, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO ALLOW NEIGHBORHOOD GENERAL USES (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19738, is recorded in Ordinance Book #27, Page .

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY, INC. FOR THE SALE OF SURPLUS CITY PROPERTY DESCRIBED AS LOTS 3 AND 5, BLOCK 10, OLYMPIC HEIGHTS FIRST ADDITION AND COMMONLY KNOWN AS 2501 AND 2521 NW 52ND STREET - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity, Inc. authorizing the sale of City owned property described as Lots 3 and 5, Block 10, Olympic Heights First Addition, more commonly known as 2501 and 2521 NW 52<sup>nd</sup> Street, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19739, is recorded in Ordinance Book #27, Page .

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT: NEBRASKA INNOVATION CAMPUS, PHASE I, BETWEEN THE CITY OF LINCOLN AND NEBRASKA NOVA LLC, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION RELATING TO THE DEVELOPMENT OF PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - PRIOR to reading:

CARROLL Made Motion to Amend No. 1 to amend Bill No. 12R-130 by accepting Attachment "A" hereto to replace Attachment "A" previously provided with Bill No. 12R-130.

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

CARROLL Made Motion to Amend No. 2 to amend Bill No. 12R-130 in the following manner:

Delete Section 1012, (Page 54) of the substitute Attachment "A" and replace it with the following Section 1012 as follows:

**Section 1012. Effective Date of Ad Valorem Tax Provision.** The Effective Date of the Ad Valorem Tax Provision shall be 2013 and the City will deliver written notice to the County Assessor on or before August 1, 2013 to divide the property taxes in the Project Area and use the last certified valuation for 2012 to divide the taxes for the remaining portion of the fifteen-year period as described in Section 18-2147 (3), unless the Redeveloper and the City Finance Director mutually agree in writing before August 1, 2013 to declare the Effective Date of the Ad Valorem Tax Provision to be 2014. In the event the Redeveloper and City mutually agree to declare the Effective Date of the Ad Valorem Tax Provision to be 2014, then the City will deliver written notice to the County Assessor on or before August 1, 2014 to divide the property taxes in the Project Area and use the last certified valuation for 2013 to divide the taxes for the remaining portion of the fifteen-year period as described in Section 18-2147 (3) the date of the City's issuance of the Certificate of Building Completion for the first Building to be constructed in the Project Area pursuant to this Agreement.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption as amended:

A-86891 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Nebraska Innovation Campus, Phase I, between the City of Lincoln, Nebraska; Nebraska Nova Development LLC; the Board of Regents of the University of Nebraska; and the Nebraska Innovation Campus Development Corporation, relating to the redevelopment of property generally located from N. Antelope Valley Parkway to 27th Street, between Salt Creek and the Burlington Northern Santa Fe Railroad corridors, upon the terms and conditions set forth in said Redevelopment

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Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Tim Sieh, Assistant City Attorney, for transmittal to the parties.

Introduced by Jon Camp

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

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$10,739,724.00 IN TIF FUNDS FOR THE NEBRASKA INNOVATION CAMPUS PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86892 WHEREAS, Resolution No. A-86471, adopted by the City Council of Lincoln, Nebraska on August 22, 2011, adopted the fiscal year 2011-2012 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86471 as Schedule No. 5; and

WHEREAS, Resolution No. A-86471 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-86109, as amended by Resolution No. A-86800, adopted by the City Council for the City of Lincoln, approved the Innovation Campus Redevelopment Project as an approved project; and

WHEREAS, a capital improvement project for the Nebraska Innovation Campus Phase I Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2011-2012; and

WHEREAS, the City desires to amend the first year (2011-2012) of the Fiscal Year 2011/2012 - 2016/2017 Six Year Capital Improvement Program (CIP) to establish a project for the Nebraska Innovation Campus Phase I Redevelopment Project, and establish appropriations for that project; and

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

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Nebraska Innovation Campus Phase I Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of the review of the Nebraska Innovation Campus Phase I Redevelopment Plan approved by Resolution No. A-86800; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Nebraska Innovation Campus Redevelopment Project for Phase I Projects (including street and sidewalk construction, water main construction, sanitary sewer construction, storm drainage construction, and demolition and grading activities) within the Project Area, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86471 be amended by adding the Nebraska Innovation Campus Phase I Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$10,739,724 from Tax Increment Financing for this Nebraska Innovation Campus Phase I Redevelopment Project.

Introduced by Jon Camp

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

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN, NEBRASKA INNOVATION CAMPUS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,739,724 (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - PRIOR to reading:

CARROLL Moved to amend Bill No. 12-73 by accepting the Substitute Ordinance.

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

CLERK Read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other obligations, in one or more taxable or tax exempt series, in an aggregate principal amount not to exceed \$10,739,724 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the city's Nebraska Innovation Campus Phase I Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds, Notes or other



obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds, Notes or other obligations as the same become due; limiting payment of the Bonds, Notes and other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds, Notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19740, is recorded in Ordinance Book #27, Page .

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION FOR AN EXCHANGE OF A PORTION OF NEBRASKA INNOVATION CAMPUS PROPERTY FOR A PORTION OF CITY OF LINCOLN WASTEWATER SYSTEM PROPERTY TO FACILITATE THE DEVELOPMENT AND OPERATION OF THE NEBRASKA INNOVATION CAMPUS SITE (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving an Exchange Agreement between the City of Lincoln, Nebraska and the Board of Regents of the University of Nebraska for an exchange of a portion of Nebraska Innovation Campus property for a portion of City of Lincoln Wastewater System property to facilitate the development and operation of the Nebraska Innovation Campus Site, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19741, is recorded in Ordinance Book #27, Page .

#### RESOLUTION - ACTION ONLY

COMP. PLAN AMENDMENT NO. 12001- APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005. (6/18/12 - ACTION DELAYED TO 7/9/12) - PRIOR to reading:

CARROLL Moved MTA #4 to amend Bill No. 12R-118 as follows:

Amend Attachment "A" addendum to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan as follows:

1. On page 10, second column, first bullet point, delete the words "future streetcar" and insert after the word "concept" the following: for a future downtown transit service.

2. On page 12:

a. In the title, delete the word "Streetcar" and insert in lieu thereof the words Downtown Transit Service;

b. At the end of the introductory paragraph of text, after the word "realities" insert the words and provides for the possibility of utilizing other modes of transportation besides a streetcar for a downtown transit service;

c. In the second paragraph of text, delete the word "streetcar" and insert in lieu thereof the words, downtown transit service;

d. In the second bullet point of the first column, delete the words "fixed infrastructure and";

e. In the second column, final paragraph, delete the word "streetcar" and insert in lieu thereof the words downtown transit service, and in the first line of the third column, delete the word "streetcar" and insert in lieu thereof the words downtown transit service;

f. In the third column, first bullet point, in the first line, delete the word "streetcar" and insert in lieu thereof the words downtown transit service; and

g. In the third column, second bullet point, delete the word "streetcar" and insert in lieu thereof the words downtown transit service and in the fourth line delete the word "streetcar" and insert in lieu thereof the words downtown transit service.

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

HORNUNG Moved MTA #5 to amend Bill No. 12R-118 as follows:

Amend Attachment "A", "Lincoln Downtown Master Plan Update" Draft Report dated May 2012 as an addendum to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan as follows:

1. On page 2, second column, second bullet point, delete the words "including proposed two-way protected bicycling facilities on 14<sup>th</sup> and 11<sup>th</sup> Streets" and insert in lieu thereof the words, and requires study of route options for two-way protected bicycling facilities on a north-south street or streets, to be presented to the City Council for approval.

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2. On page 2, at the bottom of the map illustration entitled Concepts Composite from 2012 Update, insert the word, Option, between the words "Bikeway" and "(Future)" in the legend for Protected Bikeway (Future), and insert the word, Option after the word "Facility" in the legend for Additional Future Bike Facility.

3. On Page 3, at the bottom of the map illustration entitled Promenade and Protected Bikeway Concept, insert the word Option, between the words "Bikeway" and "(Future)" in the legend for Protected Bikeway (Future), and insert the word, Option after the word "Facility" in the legend for Additional Future Bike Facility.

4. On Page 4, first column, first bullet point, before the word "bi-directional" insert the words, possible option for location of a.

5. On Page 4, on the map illustration entitled Promenade and Protected Bikeway Concept (Detail), on the legends pointing to 11<sup>th</sup> Street and 14<sup>th</sup> Street, insert the words Potential Route of after the words "Promenade and" on both legends, and at the bottom of the map illustration insert the words Potential Route of before the word "Protected" in the legend for Protected Bikeway (Future).

6. On Page 6, first column, delete the words "and protected bikeway" from the title of the page and delete the first paragraph, and the first two bullet points with accompanying text.

7. On Page 8, first column, delete the words "and Protected Bikeway" from the title of the page and delete the first paragraph.

8. On Page 8, second column, delete the last two bullet points.

9. Between Pages 8 and 9, insert new text as follows:

**Protected North-South Bikeway**

One or more continuous bi-directional bike facilities should run north and South between Q Street to K Street on a street or streets between Centennial Mall and 11<sup>th</sup> Street with bicycle facilities continuing further South as needed and feasible.

- It is recommended that a study be conducted to present options for City Council approval of concepts for a protected bikeway or bikeways on a north-south street or streets between Centennial Mall and 11<sup>th</sup> Streets, separated from parking or travel lanes by a raised curb and landscaping, a landscape median or other means.
- In addition to consideration of alternate routes the study should consider whether two north-south bikeways should be constructed or whether bikeway routes should be consolidated on one street.
- Bicycle signals for bikes traveling each direction at intersections should be included as needed.
- On-street bicycle parking should be accommodated adjacent to the sidewalk at intersection.

10. On Page 13, second column, delete from the text accompanying the bullet point the words "and provide an opportunity to test public support for additional segments of the protected bikeway along this key bicycle connection from downtown to the university".

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

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

A-86893 WHEREAS, the Urban Development Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to adopt the proposed "Downtown Master Plan Update" as a subarea plan of the Comprehensive Plan generally located from 6th Street on the west to 19th Street on the east and from H Street on the south and R Street on the north to include changes that have occurred since the adoption of the Downtown Master Plan in 2005; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Adopt the "Downtown Master Plan Update", a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, as an addendum to the 2005 Downtown Master Plan subarea plan of the 2040 Lincoln-Lancaster County Comprehensive Plan.

2. Amend the "On-Going Comprehensive Plan Activities" Subarea Planning section on page 12.16 to add the following to the list of approved subarea plans:

- Downtown Master Plan, 2005 (including the 2012 Downtown Master Plan Update)

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

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

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19555, passed by the City Council on June 13, 2011, the first time.

VACATION NO. 12001 - AMENDING ORDINANCE NO. 19729, PASSED BY THE CITY COUNCIL ON JUNE 18, 2012, TO INCLUDE THE METES AND BOUNDS LEGAL DESCRIPTION OF THE VACATED RIGHT-OF-WAYS WHICH WAS INADVERTENTLY NOT ATTACHED TO THE ORDINANCE - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19729 (Vacation 12001) passed by the City Council on June 18, 2012, vacating a portion of 4<sup>th</sup> Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley in Blocks 266, 267 and 268, Original Plat of Lincoln, to include the metes and bounds legal description to said Ordinance, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS AT 1010 N STREET, FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT, FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2013 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Sublease Agreement between the City of Lincoln and Experience Works for the sublease of office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, to provide job training and employment services under the Workforce Investment Act, the first time.

APPROVING A REAL ESTATES SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF BLIGHTED AND SUBSTANDARD PROPERTY GENERALLY LOCATED AT 2948 STARR STREET FOR THE NORTHEAST HIGH SCHOOL BUILD PROGRAM - CLERK read an ordinance, introduced by Jonathan Cook, approving the Real Estate Sales Agreement between the City of Lincoln and the Housing Authority of the City of Lincoln authorizing the sale of surplus property generally located at 2948 Starr Street, the first time.

CHANGE OF ZONE NO. 12003 - AMENDING ORDINANCE NO. 19713, PASSED BY THE CITY COUNCIL ON MAY 21, 2012, TO CORRECT THE LEGAL DESCRIPTION PROVIDED FOR CHANGE OF ZONE NO. 12003 FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED IN WEST HAYMARKET FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19713 (Change of Zone 12003) passed by the City Council on May 21, 2012, for a change of zone from I-1 Industrial District to P Public Use District, to amend Section 1 to correct a Section number in paragraph 1 and a Lot number in paragraph 3 for the property generally located in West Haymarket from North 1<sup>st</sup> Street to North 7<sup>th</sup> Street and M Street to Y Street, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND SAFETY-KLEEN SYSTEMS, INC. TO PROVIDE THE ANNUAL SUPPLY AND SERVICE PARTS WASHING MACHINES, PURSUANT TO QUOTE 3972 FOR A TWO YEAR TERM.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND ELETECH, INC. FOR ELEVATOR MAINTENANCE, SERVICE AND TESTING - STARTRAN, PURSUANT TO BID NO. 3981, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM.

APPROVING THE 2012-2013 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2012-13.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 15 - 30, 2012.

APPROVING THE SUB-RECIPIENT AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2010 METROPOLITAN MEDICAL RESPONSE SYSTEM IN THE AMOUNT OF \$317,419.00 FOR THE AWARD PERIOD OF 10/1/2010 THROUGH 7/31/2013.

REAPPOINTING DOUG EMERY TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2014.

REAPPOINTING DIANNA SCHIMEK, ADAM HORNUNG AND DOUG EMERY TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR TERMS EXPIRING MAY 31, 2013.

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2013.

REAPPOINTING JONATHAN COOK TO THE PUBLIC BUILDING COMMISSION FOR A TERM EXPIRING AUGUST 1, 2016.

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APPOINTING DARA TROUTMAN AND LINDA JEWSON TO THE CABLE TELEVISION ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2015.

APPOINTING MICHEAL Q. THOMPSON TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2013.

APPOINTING JEFF HLAVAC TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A TERM EXPIRING AUGUST 15, 2013.

APPOINTING JOHN WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A TERM EXPIRING JULY 15, 2015.

REAPPOINTING ROGER (R.J.) LIPERT AND RUSSELL MILLER TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2014.

APPOINTING HEATHER BAKER TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2014.

REAPPOINTING MICHAEL DONNELLY TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2017.

REAPPOINTING JANET GOODMAN-BANKS TO THE KENO ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2015.

**A JOINT PUBLIC HEARING OF THE CITY COUNCIL & COUNTY BOARD  
WILL BE HELD ON TUESDAY, JULY 17, 2012 AT 1:00 P.M. ON THE FOLLOWING:**

SPECIAL PERMIT NO. 12016 - APPEALS FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF RADIX, INC. FOR AUTHORITY TO OPERATE A RECREATIONAL FACILITY IN THE AG AGRICULTURAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT S.W. 29TH STREET AND W. WITTSTRUCK ROAD.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE**

Mike Morosin, address not given, came forward to speak about the Open Microphone sessions. They are an important forum for citizens to express their concerns and should be included as part of every Council meeting.  
This matter was taken under advisement.

Jane Svoboda, address not given, came forward to speak on various issues.  
This matter was taken under advisement.

**ADJOURNMENT 4:26 P.M.**

CAMP Moved to adjourn the City Council meeting of July 9, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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Joan E. Ross, City Clerk

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Amy H. Huffman, Senior Office Assistant