

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 20, 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, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross; Absent: Cook.

Council Chair Hornung announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of August 13, 2012 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of July 2012 to Beau Wolfe, Public Information Specialist for the Citizen Information Center of the Mayor's Department, in the categories of Customer Relations and Productivity. Mr. Wolfe was nominated by Diane Gonzolez, Citizen Information Center Manager. After his initial work on anti-bullying presentations for the City government access channels, Beau was inspired to do more. He organized a special showing of the documentary "Bully", followed by a panel discussion. He also lead a fundraising campaign which raised enough money to provide for 425 free tickets. His passion for this project was contagious and went above and beyond his regular responsibilities.

Diane Gonzolez came forward to say that Beau had an inspired idea and he invested the time and work necessary to bring it to fruition. Melissa Fuller and Bill Luxford were also great support and CIC is lucky to have all three of them.

Beau Wolfe came forward to graciously accept his award.

PUBLIC HEARING

APPLICATION OF SIKARIN, LLC DBA ISSARA FOR A CLASS CK LIQUOR LICENSE AT 1701 PINE LAKE ROAD;

MANAGER APPLICATION OF MALINEE KIATATHIKOM FOR SIKARIN, LLC DBA ISSARA AT 1701 PINE LAKE ROAD - Malinee Kiatathikom, 1701 Pine Lake Rd., came forward to take the oath and answer questions.

APPLICATION OF MC HOME SOLUTIONS, LLC DBA SMOOTH FOR A CLASS C LIQUOR LICENSE AT 1640 O STREET;

MANAGER APPLICATION OF DAVID BADER FOR MC HOME SOLUTIONS, LLC DBA SMOOTH AT 1640 O STREET - David Bader, 1640 O St., came forward to take the oath and answer questions. The establishment is currently under lease in Mr. Bader and his business partner's names until September, 2013, and they have no ties with the former owner. They hope to improve the reputation of the establishment and are also investigating ways of making improvements to the entire block. They have not yet decided exactly how they will utilize the current space, including the cages. Their primary goal at this time is to open in time for the football season.

APPLICATION OF MARCUS LINCOLN HOTEL LLC DBA MARRIOTT CORNHUSKER FOR A CLASS CK LIQUOR LICENSE AT 333 SOUTH 13TH STREET;

MANAGER APPLICATION OF BRIAN G. SHANDER FOR MARCUS LINCOLN HOTEL LLC DBA MARRIOTT CORNHUSKER AT 333 SOUTH 13TH STREET - Tim O'Neill, 800 Lincoln Square, 121 S. 13th St., representative for Marcus Lincoln Hotel, came forward to take the oath and answer questions.

APPLICATION OF HCF TACO COMPANY NO. 1, LLC DBA FUZZY'S TACO SHOP FOR A CLASS I LIQUOR LICENSE AT 1442 O STREET;

MANAGER APPLICATION OF DAVID J. HOFER FOR HCF TACO COMPANY NO. 1, LLC DBA FUZZY'S TACO SHOP AT 1442 O STREET - David J. Hofer, 1442 O St., came forward to take the oath and answer questions.

COMP. PLAN CONFORMANCE 12008 - DECLARING APPROXIMATELY .16 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 21ST STREET AND O STREET; .03 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH ANTELOPE VALLEY PARKWAY AND M STREET; AND .19 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF CAPITOL PARKWAY AND J STREET, AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12);

VACATION 10019 - VACATING RANDOLPH STREET BETWEEN SOUTH 25TH STREET AND CAPITOL PARKWAY; A PORTION OF H STREET WEST OF SOUTH 25TH STREET; A PORTION OF THE EAST-WEST ALLEY WEST OF SOUTH 25TH STREET; AND A PORTION OF CAPITOL PARKWAY SOUTH OF J STREET. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12);

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APPROVING A REAL ESTATE SALES AND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE EXCHANGE AND SALE OF PROPERTY GENERALLY LOCATED SOUTHEASTERLY OF CAPITOL PARKWAY AND J STREET AND THE CONVEYANCE OF A PORTION OF VACATED CAPITOL PARKWAY AND J STREET TO LINCOLN PUBLIC SCHOOLS .(RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - David Landis, Director of Urban Development, came forward to describe these parcels of land. There is no designated purpose for the land at the moment, but it is in the best interest of the City that it be used as part of a larger project. Eventually, the land should be put into private, tax-paying hands. The first step is to declare it as surplus.

Lynn Johnson, Director of Parks & Recreation, came forward to state that this is a request to declare the northern parcel of land as surplus and to vacate some right-of-way. There will be a transfer of City property that has historically been used by LPS, who will purchase the land at the negotiated sales price of approximately \$44,000.00. The Lincoln Public Schools District is transferring property that is part of the Antelope Creek channel to the City.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE FUNDING OF A RENOVATION PROJECT AT SHERMAN FIELD AND THE USE OF SHERMAN FIELD BY LPS - Lynn Johnson, Director of Parks & Recreation, came forward to describe this agreement between the City and Lincoln Public Schools wherein LPS will be contributing approximately \$200,000.00 to the City to be used as part of the Sherman Field renovation project that is nearing completion. In exchange, LPS is essentially prepaying their use of the facility for a ten year period. They use the facility around eighty times per year for their six highschool baseball programs. American Legion Baseball also uses this field.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR DEVELOPMENT OF A PLAYGROUND, WALKWAYS AND RELATED SITE IMPROVEMENTS IN BELMONT PARK ASSOCIATED WITH BELMONT ELEMENTARY SCHOOL AND THE LINCOLN EDUCARE FACILITY - Lynn Johnson, Director of Parks & Recreation, came forward to describe this project. Earlier this year, Council approved a transfer of ownership of land to Lincoln Public Schools. The new Educare facility is being constructed and will share a parking lot with Belmont Elementary School. This agreement gives LPS the ability to construct the school playground on park property. This is a new model Parks has been working on with LPS since there are a number of locations throughout the community where there is park land adjacent to school land. It doesn't make sense to build two separate playgrounds when we could cooperate and jointly fund and maintain a single playground. In this particular case, there is enough activity with the park, recreation center, school, and community center that it makes sense to have two playgrounds. So in this instance, the proposal is for the City to authorize LPS for a twenty year period to construct and manage a playground on the site. There will not be any lease payments associated with it in recognition of the fact that the playground will be open to the public. The City will not have any management responsibilities with that portion.

COMP. PLAN CONFORMANCE 12009 - ADOPTING AND APPROVING THE "HOLDREGE/IDYLVILD REDEVELOPMENT PLAN" WITHIN AN AREA GENERALLY BOUNDED BY N. 37TH STREET ON THE EAST AND N. 34TH STREET ON THE WEST, HOLDREGE STREET ON THE NORTH AND APPLE STREET ON THE SOUTH FOR REDEVELOPMENT ACTIVITIES CONSISTING OF PUBLIC IMPROVEMENTS, A NEW FRATERNITY AND A MIXED USE DEVELOPMENT. (RELATED ITEMS: 12R-190, 12-105) (ACTION DATE: 8/27/12);

CHANGE OF ZONE 12018 - APPLICATION OF KINPORT CORPORATION FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT, R-6 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD, FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT PUD, AND FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND HOLDREGE STREET FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW APPROXIMATELY 66,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 40 RESIDENTIAL DWELLING UNITS. (RELATED ITEMS: 12R-190, 12-105) (ACTION DATE: 8/27/12) - David Landis, Director of Urban Development, came forward to state that this area was previously declared blighted and substandard. The redevelopment proposal will come before Council in the near future. That will involve two mixed-use, three story buildings, each with approximately eight to ten thousand square feet on the main floor. Valentino's will anchor the west side of the 1st Floor of one building. Commercial and retail use will fill out the main floors with office space and housing on the upper floors. At the suggestion of the neighborhood, the east/west alley will be vacated. Idylwild Park and will be revitalized and will have continued support from Valentino's for fifteen years.

Mike Alesio, co-owner of Valentino's, came forward to state that they are very excited for the upcoming changes associated with this project. They look forward to their involvement with the revitalization of the neighborhood and Idylwild Park. The new store will be approximately 3,500 square feet with seating for 125 people.

Tony Messineo, co-owner of Valentino's, came forward to describe their vision for the new restaurant, which will be a return to their roots and core products. He thanked the neighborhood and the City and expressed excitement for the entire project.

Ann Bleed, 1315 North 37th St., President of the East Campus Community Organization (ECCO) came forward in support of this project. She thanked WRK and Valentino's for listening to the neighborhood and working to address all of their concerns. This plan fits the design of the neighborhood and their vision for the future.

Kent Seacrest, 1111 Lincoln Mall, Suite 350, came forward as representative for Kinport Corporation, the developer, and the Kappa Foundation to state their support for this project. He requested that public hearing on second item be delayed to a future date.

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN TO CALL AN ELECTION REGARDING THE PROPOSITION OF THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ENGINEERING, ACQUIRING, CONSTRUCTING AND/OR FURNISHING IMPROVEMENTS TO AND EXTENSIONS OF THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM - Ben Higgins, Public Works, came forward to describe this request for City approval for an election item on the upcoming November ballot that asks voters to approve a 7.9 million dollar stormwater bond. The cost is about .3475 cents per hundred dollars valuation which amounts to approximately 5 dollars per year for a \$150,000.00 home. Funds are used to protect property from stormwater runoff and flood damage from major rainfall events by improving, repairing, or providing more capacity for storm drainage systems, helping with water quality projects, and preventing or repairing failing stream banks.

COMP. PLAN CONFORMANCE 12010 - ADOPTING AND APPROVING THE PROPOSED AMENDMENT TO THE 48TH AND O STREET REDEVELOPMENT PLAN TO EXPAND THE AREA TO INCLUDE THE GATEWAY SENIOR LIVING CENTER RETIREMENT CAMPUS LOCATED NORTH OF O STREET BETWEEN 52ND STREET AND 56TH STREET AND TO ADD A REDEVELOPMENT PROJECT FOR THE EXPANSION OF SKILLED NURSING AND INDEPENDENT LIVING FACILITIES. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 08/20/12)

APPROVING THE GATEWAY SENIOR LIVING PROJECT - PHASE I REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND GATEWAY PROPERTIES, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED NORTH OF O STREET BETWEEN 52ND STREET AND 56TH STREET. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 08/20/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$1,606,500.00 IN TIF FUNDS FOR GATEWAY SENIOR LIVING CENTER - PHASE I PROJECTS. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 08/20/12) - David Landis, Director of Urban Development, came forward to present the underlying plan, the agreement for, and the CIP change that would authorize the use TIF funds during the initiation of this three phase project involving the Gateway Senior Living Center. The plan acknowledges all three phases, but the agreement is only for Phase 1 which includes the renovation of the existing six story building and construction of a new multistory building. It will have 80 skilled nursing facility beds, 46 assisted living units, and 20 assisted living memory care units and will create approximately 80 new jobs in the skilled healthcare field as well as improve the area. The private investment of Phase 1 is approximately 12.5 million dollars and the TIF created is around 1.6 million dollars.

Tom Huston, 233 S. 13th St., Ste. 1900, came forward representing Gateway Properties. The agreement is a standard format and the City will have approval rights for design aspects. It also contains specific use restrictions and deadlines for construction. In answer to Council questions, Mr. Huston replied that Gateway will improve elder care in Lincoln by providing a continuum of care facility. The bond ordinance will come before Council this fall. This project qualifies for core treatment under tax increment financing policy and the City will continue to collect property tax dollars. It is anticipated that there will be a 7 million dollar increase in valuation. The City is merely a conduit for this project and all of the liability accrues to the developer.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION - Rod Confer, City Attorney, came forward to state that the City is still in discussion with the County on this item and requested that it be delayed with public hearing to September 10, 2012.

CARROLL Moved to Delay Public Hearing on Bill No. 12R-194 to September 10, 2012.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE APPOINTMENT OF JOHN HUFF AS FIRE CHIEF EFFECTIVE AUGUST 30, 2012 - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12R-188 in the following manner:
1. On page 1, lines 2 and 3, delete the date "September 7, 2012" and insert in lieu thereof the date August 30, 2012.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

CLERK Read the following resolution, introduced by Jonathan Cook.
Eugene Carroll moved its adoption; seconded by Schimek.

A-86960 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of John Huff as Fire Chief effective August 30, 2012 is hereby approved.

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

APPROVING THE APPOINTMENT OF JIM PESCHONG AS POLICE CHIEF EFFECTIVE JANUARY 31, 2013 - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12R-189 in the following manner:
1. On page 1 line 3 delete the date "September 7, 2012" and insert in lieu thereof the date January 31, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

CLERK Read the following resolution introduced by Jonathan Cook.
Eugene Carroll moved its adoption; seconded by Schimek.

A-86961 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Jim Peschong as Chief of Police effective January 31, 2012 is hereby approved.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 6, 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 AUGUST 8, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11060 to Special Permit No. 08034, Whispering Meadows Community Unit Plan, approved by the Planning Director on August 7, 2012, requested by City Bank and Trust, to add notes 27 and 28 to the approved plan; allowing for Lots 1-10 to be either developed as single family lots, or a daycare by special permit or multi-family housing; and adding Outlot F to provide utilities, on property generally located at SW. 27th St. and West A St.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 12023 - requested by Gary Burow, from H-3 Highway Commercial District to I-1 Industrial District, on property legally described as a portion of Lot 139 I.T., located in the NW 1/4 of Section 13-10-6, Lancaster County, Nebraska, generally located at N. 14th Street and Cornhusker Highway.

Change of Zone No. 12024 - requested by Lincoln Community Playhouse, for The Lincoln Community Playhouse Planned Unit Development, from R-2 Residential District and R-3 Residential District to O-3 Office Park District PUD, on property legally described as Lot 1, Block 2, Thomasbrook Addition, and Lot 140 I.T., located in the SW 1/4 of Section 33-10-7, Lancaster County, Nebraska, generally located at S. 56th Street and Lillibridge Street; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Subdivision Ordinance to allow the existing community playhouse and future commercial development on the underlying O-3 zoning district.

Combined Special/use Permit No. 13A - requested by ASI, Nebraska, for an adjustment to the sign regulations to allow an additional center identification sign, on property legally described as Lot 1, Pine Lake Heights 10th Addition, located in the NE 1/4 of Section 19-9-7, Lancaster County, Nebraska, generally located at S. 40th Street and Pine Lake Road.

Special Permit No. 12029 - requested by Sean and Marla Payant, for the expansion of a nonconforming use to construct a garage in the rear yard setback, on property legally described as Lot 1, except the east 70', Block 3, Chase and Beardsleys Park Hill Addition, located in the SE 1/4 of Section 36-10-6, Lancaster County, Nebraska, generally located at 2233 Park Avenue. The Planning Commission action is final action, unless appealed to the City Council.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF SIKARIN, LLC DBA ISSARA FOR A CLASS CK LIQUOR LICENSE AT 1701 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86962 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 Sikarin, LLC dba Issara for a Class "CK" liquor license at 1701 Pine Lake Road, Lincoln, Nebraska, for the license period ending October 31, 2012, 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 Schimek and carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF MALINEE KIATATHIKOM FOR SIKARIN, LLC DBA ISSARA AT 1701 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86963 WHEREAS, Sikarin, LLC dba Issara located at 1701 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Malinee Kiatathikom be named manager;

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

APPLICATION OF MC HOME SOLUTIONS, LLC DBA SMOOTH FOR A CLASS C LIQUOR LICENSE AT 1640 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86964 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 MC Home Solutions, LLC dba Smooth for a Class "C" liquor license at 1640 O Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. Pursuant to Neb. Rev. Stat. § 53-132, the previous owner Shane Harrington is not eligible to hold a liquor license. Shane Harrington shall have no interest, directly or indirectly, in the operation or profit of the business nor will he, or any of his employees or business entities, tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent himself as the owner or in any way participate in the day-to-day operations of MC Home Solutions, LLC dba Smooth in any capacity, including conducting events or marketing on the licensed premises or on behalf of MC Home Solutions, LLC dba Smooth.

2. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

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

MANAGER APPLICATION OF DAVID BADER FOR MC HOME SOLUTIONS, LLC DBA SMOOTH AT 1640 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86965 WHEREAS, MC Home Solutions, LLC dba Smooth located at 1640 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that David Bader be named manager;

WHEREAS, David Bader 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:

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

APPLICATION OF MARCUS LINCOLN HOTEL LLC DBA MARRIOTT CORNHUSKER FOR A CLASS CK LIQUOR LICENSE AT 333 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86966 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 Marcus Lincoln Hotel LLC dba Marriott Cornhusker for a Class "CK" liquor license at 333 South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

MANAGER APPLICATION OF BRIAN G. SHANDER FOR MARCUS LINCOLN HOTEL LLC DBA MARRIOTT CORNHUSKER AT 333 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86967 WHEREAS, Marcus Lincoln Hotel LLC dba Marriott Cornhusker located at 333 South 13th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Brian G. Shander be named manager;

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

APPLICATION OF HCF TACO COMPANY NO. 1, LLC DBA FUZZY'S TACO SHOP FOR A CLASS I LIQUOR LICENSE AT 1442 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86968 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 HCF Taco Company No. 1, LLC dba Fuzzy's Taco Shop for a Class "I" liquor license at 1442 O Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

MANAGER APPLICATION OF DAVID J. HOFER FOR HCF TACO COMPANY NO. 1, LLC DBA FUZZY'S TACO SHOP AT 1442 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86969 WHEREAS, HCF Taco Company No. 1, LLC dba Fuzzy's Taco Shop located at 1442 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that David J. Hofer be named manager;

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

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

- COMP. PLAN CONFORMANCE 12008 - DECLARING APPROXIMATELY .16 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 21ST STREET AND O STREET; .03 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH ANTELOPE VALLEY PARKWAY AND M STREET; AND .19 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF CAPITOL PARKWAY AND J STREET, AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately .16 acres of City owned property generally located southwest of South 21st Street and O Street; .03 acres of property generally located southwest of S. Antelope Valley Parkway and M Street; and .19 acres of property generally located southeast of Capitol Parkway and J Street as surplus, the second time.
- VACATION 10019 - VACATING RANDOLPH STREET BETWEEN SOUTH 25TH STREET AND CAPITOL PARKWAY; A PORTION OF H STREET WEST OF SOUTH 25TH STREET; A PORTION OF THE EAST-WEST ALLEY WEST OF SOUTH 25TH STREET; AND A PORTION OF CAPITOL PARKWAY SOUTH OF J STREET. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by Jonathan Cook, vacating Randolph Street between South 25th Street and Capitol Parkway; a portion of H Street west of South 25th Street; a portion of the east-west alley west of South 25th Street; and a portion of Capitol Parkway south of J Street, and retaining title thereto in the City of Lincoln, Nebraska, the second time.
- APPROVING A REAL ESTATE SALES AND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE EXCHANGE AND SALE OF PROPERTY GENERALLY LOCATED SOUTHEASTERLY OF CAPITOL PARKWAY AND J STREET AND THE CONVEYANCE OF A PORTION OF VACATED CAPITOL PARKWAY AND J STREET TO LINCOLN PUBLIC SCHOOLS. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by Jonathan Cook, approving a Real Estate Purchase and Exchange Agreement between the City of Lincoln and Lancaster County School District 001 authorizing the exchange and sale of property generally located southeasterly of Capitol Parkway and J Street, the second time.
- APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE FUNDING OF A RENOVATION PROJECT AT SHERMAN FIELD AND THE USE OF SHERMAN FIELD BY LPS - CLERK read an ordinance, introduced by Jonathan Cook, approving and Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 for the funding of a renovation project at Sherman Field and for the use Sherman Field by Lincoln Public Schools for a period of ten years, the second time.
- APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR DEVELOPMENT OF A PLAYGROUND, WALKWAYS AND RELATED SITE IMPROVEMENTS IN BELMONT PARK ASSOCIATED WITH BELMONT ELEMENTARY SCHOOL AND THE LINCOLN EDUCARE FACILITY - CLERK read an ordinance, introduced by Jonathan Cook, approving an Interlocal Agreement Regarding Playground between the City of Lincoln and Lancaster County School District 001 for development of a playground, walkways and related site improvements in Belmont Park associated with Belmont Elementary School and the Lincoln Educare facility for a period of twenty years with an option to renew for additional five year terms, the second time.
- COMP. PLAN CONFORMANCE 12009 - ADOPTING AND APPROVING THE "HOLDREGE/IDYLVILD REDEVELOPMENT PLAN" WITHIN AN AREA GENERALLY BOUNDED BY N. 37TH STREET ON THE EAST AND N. 34TH STREET ON THE WEST, HOLDREGE STREET ON THE NORTH AND APPLE STREET ON THE SOUTH FOR REDEVELOPMENT ACTIVITIES CONSISTING OF PUBLIC IMPROVEMENTS, A NEW FRATERNITY AND A MIXED USE DEVELOPMENT. (RELATED ITEMS: 12R-190, 12-105) (ACTION DATE: 8/27/12)
- CHANGE OF ZONE 12018 - APPLICATION OF KINPORT CORPORATION FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT, R-6 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD, FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT PUD, AND FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND HOLDREGE STREET FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW APPROXIMATELY 66,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 40 RESIDENTIAL DWELLING UNITS. (RELATED ITEMS: 12R-190, 12-105) (ACTION DATE: 8/27/12) - PRIOR to reading:

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CARROLL Moved to Delay Public Hearing on Bill No. 12-105 to September 10, 2012. Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

CLERK Read an ordinance, introduced by Jonathan Cook, 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 second time.

PUBLIC HEARING - RESOLUTIONS

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN TO CALL AN ELECTION REGARDING THE PROPOSITION OF THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ENGINEERING, ACQUIRING, CONSTRUCTING AND/OR FURNISHING IMPROVEMENTS TO AND EXTENSIONS OF THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM - CLERK read the following resolution, introduced by Jonathan Cook.

Doug Emery moved its adoption; seconded by Carroll.

A-86970 WHEREAS, the City of Lincoln, Nebraska (the "City") a city of the primary class and political subdivision duly organized and existing under its home rule charter and the laws of the State of Nebraska (the "State"), including, but not limited to, Chapter 15, Reissue Revised Statutes of Nebraska, as amended, owns, operates and maintains a storm water drainage and flood management system within the territorial limits of the City (the "Storm Water System"); and

WHEREAS, in order to fund the necessary improvements to and extensions of the existing Storm Water System, as well as measures to achieve federal and State water quality standards, it is necessary for the City to issue its general obligation bonds and to levy a tax for the payment of the principal of, any premium, and the interest on such bonds; and

WHEREAS, it is in the best interests of the City, to present the question of the issuance of such bonds to the electors of the City at the Statewide general election to be held on November 6, 2012.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City as follows:

Section 1. The Council hereby finds and determines that:

(a) It is necessary, desirable, advisable and in the best interests of the City to design, engineer, acquire, construct and/or furnish improvements to and extensions of the City's existing Storm Water System, as well as measures to achieve federal and state water quality standards, which improvements, extensions and measures (collectively, the "Improvements") shall include, but shall not necessarily be limited to, some or all of the improvements, extensions and measures generally described in Attachment 1 appended hereto and made a part hereof.

b) The estimated cost to the City of completing the Improvements will be not less than \$7,900,000, and in order to finance the cost or a portion thereof, it will be necessary for the City to issue general obligation bonds in a principal amount not to exceed \$7,900,000, such bonds to be issued in one or more series, to be dated at the time of their issuance, to become due and payable on such dates, to bear interest at such rates and to have such other terms, all as may be fixed by the City at the time of their issuance.

(c) It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal of, any premium, and the interest accruing on such general obligation bonds as the same becomes due.

(d) It is in the best interests of the citizens of the City to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at the Statewide general election to be held on Tuesday, November 6, 2012.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the Statewide general election to be held on Tuesday, November 6, 2012.

(FORM OF BALLOT)

STORM WATER IMPROVEMENT BOND ISSUE

STATE OF NEBRASKA
CITY OF LINCOLN
OFFICIAL BALLOT

STATEWIDE ELECTION - TUESDAY, NOVEMBER 6, 2012
GENERAL OBLIGATION BONDS

SHALL THE CITY OF LINCOLN, NEBRASKA ISSUE ITS GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO ENGINEERING, ACQUIRING, CONSTRUCTION AND/OR FURNISHING IMPROVEMENTS TO AND EXTENSIONS OF THE CITY'S STORM WATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM AND MEASURES TO ACHIEVE STATE AND FEDERAL WATER QUALITY STANDARDS; SUCH BONDS TO

BE ISSUED IN ONE OR MORE SERIES, TO BE DATED AT THE TIME OF THEIR ISSUANCE, TO BECOME DUE AND PAYABLE ON SUCH DATES, TO BEAR INTEREST AT SUCH RATES, AND TO HAVE SUCH OTHER TERMS, ALL AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE; AND

SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF, PREMIUM, AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?

- FOR said General Obligation Bonds and Tax Levy
- AGAINST said General Obligation Bonds and Tax Levy

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy". Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST such General Obligation Bonds and Tax Levy".

Section 3. The Clerk shall cause a notice of such election to be given as provided by Article III, Section 1 of the Charter of the City. The Mayor shall be and hereby is directed to proclaim and give notice that at the Statewide general election to be held on Tuesday, November 6, 2012, there will be submitted to the qualified electors of the City, for adoption or rejection, the bond authorization question set forth in Section 2 hereof; and the Clerk is further directed to publish said proclamation as provided by law.

Section 4. Such Statewide general election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the "Election Commissioner"). The Clerk is further directed to notify the Election Commissioner of the bond authorization question set forth in Section 2 hereof and to procure the necessary ballots and make all other necessary arrangements for the same.

Section 5. The polling places for such Statewide general election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, November 6, 2012, and a copy of the bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

Section 6. Such Statewide general election shall be conducted in accordance with the laws of the State applicable to such elections for cities of the primary class; the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Jonathan Cook

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

COMP. PLAN CONFORMANCE 12010 - ADOPTING AND APPROVING THE PROPOSED AMENDMENT TO THE 48TH AND O STREET REDEVELOPMENT PLAN TO EXPAND THE AREA TO INCLUDE THE GATEWAY SENIOR LIVING CENTER RETIREMENT CAMPUS LOCATED NORTH OF O STREET BETWEEN 52ND STREET AND 56TH STREET AND TO ADD A REDEVELOPMENT PROJECT FOR THE EXPANSION OF SKILLED NURSING AND INDEPENDENT LIVING FACILITIES. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 12/20/12) - CLERK read the following resolution, introduced by Jonathan Cook.

Carl Eskridge moved its adoption; seconded by Carroll.

A-86971

WHEREAS, the City Council on August 23, 2004, adopted Resolution No. A-2933 finding an area generally bounded by R Street on the north, 48th Street on the west, 52nd Street on the east, and N Street on the south to be blighted and substandard and on August 20, 2012 adopted a resolution finding the area generally bounded by O Street on the south, N. 56th Street on the east, R Street on the north and N. 52nd Street on the west to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the 48th and O Street Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said Plan by amending the 48th and O Street Redevelopment Plan to expand the area to include the Gateway Senior Living Center retirement campus located north of O Street between 52nd Street and 56th Street and to add a redevelopment project for the expansion of skilled nursing and independent living facilities; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Gateway Senior Living Center Redevelopment Plan" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on July 13, 2012, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on July 25, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the 48th and O Street Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on August 3, 2012 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on August 20, 2012, regarding the proposed amendments to the 48th and O Street Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on August 3, 2012 and August 10, 2012 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on August 20, 2012 regarding the proposed amendments to the 48th and O Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed amendments to the 48th and O Street Redevelopment Plan to add the Gateway Senior Living Center Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on July 25, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on August 20, 2012 in the City Council chambers of the County-city Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Gateway Senior Living Center Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Gateway Senior Living Center Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Gateway Senior Living Center Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Gateway Senior Living Center Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "Gateway Senior Living Center Redevelopment Plan" as an Amendment to the "48th and O Street Redevelopment Project" attached hereto as Attachment "A", amending and adding the Gateway Senior Living Center Redevelopment Project, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the Gateway Senior Living Center Redevelopment Plan as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the 48th and O Street Redevelopment Plan.

Introduced by Jonathan Cook

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

APPROVING THE GATEWAY SENIOR LIVING PROJECT - PHASE I REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND GATEWAY PROPERTIES, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED NORTH OF O STREET BETWEEN 52ND STREET AND 56TH STREET. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 12/20/12) - CLERK read the following resolution, introduced by Jonathan Cook.

Carl Eskridge moved its adoption; seconded by Carroll.

A-86972

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

That the attached City of Lincoln Redevelopment Agreement for Gateway Senior Living Project - Phase I, between the City of Lincoln, Nebraska and Gateway Properties, Inc. relating to the redevelopment of property generally located between 52nd and 56th Streets from O to Q Streets, upon the terms and conditions set forth in said Redevelopment 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 Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Jonathan Cook

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

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$1,606,500.00 IN TIF FUNDS FOR GATEWAY SENIOR LIVING CENTER - PHASE I PROJECTS. (RELATED ITEMS: 12R-191, 12R-192, 12R-193) (ACTION DATE: 12/20/12) - CLERK read the following resolution, introduced by Jonathan Cook.

Carl Eskridge moved its adoption; seconded by Carroll.

A-86973

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, on August 20, 2012 a resolution was adopted by the City Council for the City of Lincoln, approving the Gateway Senior Living Redevelopment Project as an approved project; and

WHEREAS, a capital improvement project for the Gateway Senior Living 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 Gateway Senior Living 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, on July 25, 2012 the Lincoln City-Lancaster County Planning Commission reviewed the Gateway Senior Living Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of its review of the Gateway Senior Living Redevelopment Plan; 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 Gateway Senior Living Redevelopment Project to expand the area to include the Gateway Senior Living Center retirement campus for the expansion of skilled nursing and independent living facilities (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 Gateway Senior Living Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$1,606,500 from Tax Increment Financing for this Gateway Senior Living Redevelopment Project.

Introduced by Jonathan Cook

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

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APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION - PRIOR to reading:

CARROLL Moved to Delay Public Hearing on Bill No. 12R-194 to September 10, 2012.

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

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

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 2445 N.W. 52ND STREET FOR AN AMOUNT OF \$20,000.00 - CLERK read an ordinance, introduced by Eugene Carroll, approving a Real Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity Inc. authorizing the sale of surplus property generally located at 2445 N.W. 52nd Street, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19763**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12022 - AMENDING SECTION 27.07.030 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AS A TEMPORARY PERMITTED CONDITIONAL USE OF A BUILDING OR PREMISES IN THE AG AGRICULTURE DISTRICT, IN ADDITION TO ITS MAIN USE, FOR ANY USE APPROVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS BY THE GRANTING OF AN AMUSEMENT LICENSE FOR SUCH USE, PROVIDED SAID CONDITIONAL USE IS LIMITED TO ONE EVENT PER CALENDAR YEAR - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 27.07.030 of the Lincoln Municipal Code to provide that any use approved by the Lancaster County Board of Commissioners by the granting of an amusement license for such use shall be allowed as a permitted conditional use in the AG Agriculture District, provided said conditional use is limited to one event per calendar year; and repealing Section 27.07.030 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19764**, is recorded in Ordinance Book #27, Page .

APPROVING THE AGREEMENT REGARDING THE ANNEXATION OF SKY RANCH ACRES BETWEEN THE CITY AND SKY RANCH ACRES NEIGHBORHOOD ASSOCIATION FOR THE DEVELOPMENT OF 30.11 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 108TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 12R-182, 12-100)(ACTION DATE: 8/20/12) - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12R-182 by accepting Attachment "A" attached hereto to replace Attachment "A" previously provided with Bill No. 12R-182.

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

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

A-86974 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Agreement Regarding the Annexation of Sky Ranch Acres, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Sky Ranch Acres Neighborhood Association and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 30.11 acres of property generally located at North 108th Street and Holdrege Street, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement Regarding the Annexation of Sky Ranch Acres 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 Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Agreement Regarding the Annexation of Sky Ranch Acres 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 Eugene Carroll

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

ANNEXATION 10004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 37 ACRES GENERALLY LOCATED AT NORTH 108TH STREET AND HOLDREGE STREET (RELATED ITEMS: 12R-182, 12-100)(ACTION DATE: 8/20/12) - CLERK read an ordinance, introduced by Eugene Carroll, 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.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19765**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 05012A - APPLICATION OF SOUTH POINTE CHRISTIAN CHURCH AND LINCOLN STORAGE/WOOD BRIDGE COMMERCIAL ASSOCIATES TO AMEND THE WOOD BRIDGE PLANNED UNIT DEVELOPMENT TO INCREASE THE MINI-STORAGE AREA FROM APPROXIMATELY 58,700 SQUARE FEET TO 84,500 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT PINE LAKE ROAD AND HELEN WITT DRIVE - CLERK read an ordinance, introduced by Eugene Carroll, amending the development plan for the Wood Bridge Planned Unit Development in order to increase the floor area for mini-storage from approximately 58,700 square feet to 84,500 square feet on property generally located at Pine Lake Road and Helen Witt Drive and legally described as: Lots 1 through 5, and Outlots A and B, Wood Bridge 2nd Addition, Lincoln, Lancaster County, Nebraska, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19766, is recorded in Ordinance Book #27, Page .

RESOLUTIONS - ACTION ONLY

ACTION ON THE 1 & 6 YEAR STREET & HIGHWAY PROGRAM, THE 2012-2014 CITY OF LINCOLN BIENNIAL OPERATING BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2012-2014. (ACTION DATE: 8/20/12) - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12R-174 by accepting the attached substitute resolution 12R-174S as the replacement resolution..

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

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

A-86975 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln and Chapter 3.06 of the Lincoln Municipal Code, the proposed biennial budget for the City of Lincoln was submitted on July 9; and

WHEREAS, under the provisions of Section 26 of Article IX and Chapter 3.06 of the Lincoln Municipal Code of the City Charter, a public hearing on the proposed budget was held on August 6, 2012 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln and Chapter 3.06 of the Lincoln Municipal Code, the biennial budget for the fiscal years beginning September 1, 2012 and September 1, 2013, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. That the City Council, by adoption of the Capital Improvement Program (CIP) on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first two years of said CIP.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Upon affirmative vote by more than 75% of the City Council restricted funds for Fiscal Years 2012-13 and 2013-14 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. Section 13-519.

5. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the biennial budget for Emergency Medical Services Oversight Authority, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved and any remaining balances at the end of the first year of the biennial budget are hereby reappropriated in the second year of the biennial budget.

6. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Pension Trust Fund, Permanent Fund, Agency Fund and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

7. There is hereby appropriated all money now credited or which will be credited to the following Special Revenue Funds notwithstanding any sum limitation set forth in the budget attached hereto: Pinewood Bowl Fund, Responsible Beverage Server/Seller Fund, Parks and Recreation Maintenance and Repair Fund, Fast Forward Fund, Parks and Recreation Special Projects Fund,

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Commission On Aging Gift Trust Fund, Charles Gere Library Fund, and Lillian Polley Trust, Building and Safety Fund, Cable Access Television Fund, Disaster Recovery Fund, Impact Fees Fund, Social Security Fund, Snow Removal Fund, Title V Clean Air Fund, Unemployment Compensation Fund, Advance Acquisition Fund as provide in Article IXB, Section 12 of the City Charter, 911 Communication Fund, Tax Sale Revolving Fund, Helen Boosalis Icons of the City Trust Fund and Development Services Center Fund.

8. There is hereby 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 earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

11. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

12. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for debt service, designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

13. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

14. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

15. There is hereby appropriated all money credited to General Fund/Traffic Operations (79200) and Street Construction Fund/Streets/Highways (79140) that is received as reimbursement from Public Works/Utilities capital projects for staff time and materials used in connection with the said projects.

16. There is hereby designated any amounts received from any Telecommunication Occupation Tax audit adjustments made in the 2012-14 biennium. Such amounts shall be deposited in the Cash Reserve Trust Fund. There is hereby appropriated all money now credited or which will be credited to the Cash Reserve Fund.

17. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

18. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

19. There is hereby appropriated KENO proceeds received in prior fiscal years in excess of revenue projections for those years.

20. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

21. There is hereby created pursuant to Lincoln Municipal Code 5.04.126 the Responsible Beverage Server/Seller Fund. All permit fees collected pursuant to LMC Section 5.04.125 shall be deposited in the Fund. The funds shall only be available for enforcement and administrative costs and/or education of the provisions of the Nebraska Liquor Control Act, or of this chapter, or any rules or regulations adopted by the City or by the Nebraska Liquor Control Commission. There is hereby appropriated all monies now credited or which will be credited to the Responsible Beverage Server/Seller Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

22. There is hereby created the Pinewood Bowl Fund. Event payments from the Pershing Auditorium and Pinnacle Bank Arena Management Company for materials and services provided by the Parks and Recreation Department shall be deposited in this fund to be used for the maintenance and operation of Pinewood Bowl. There is hereby appropriated all monies now credited or which will be credited to the Pinewood Bowl Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

23. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

YEAR 1	2012-13 Appropriated <u>Amount-90%</u>	2012-13 Total Tax As <u>Levied-100%</u>	2012-13 Per \$100 <u>Market Value</u>
General	\$27,830,819	\$30,923,132	.18543
Library	6,347,442	7,052,713	.04229
Social Security	2,348,170	2,609,077	.01565
Police & Fire Pension	5,739,001	6,376,667	.03824
Bond and Interest Redemption	5,131,654	5,701,837	.03419

24. Per Lincoln Municipal Code 3.06.070 The Council shall meet after August 20th in the first year of the biennial period to set the property tax rate for the second year by resolution and to reappropriate unencumbered appropriations if necessary. The resolution shall set a property tax rate sufficient to ensure the biennial budget is balanced for the second year. It is hereby estimated that the amount levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

YEAR 2	2013-14 Estimated Appropriated <u>Amount-90%</u>	2013-14 Estimated Total Tax As <u>Levied-100%</u>	2013-14 Estimated Per \$100 <u>Market Value</u>
General	\$28,410,757	\$31,567,508	.18930
Library	6,419,865	7,133,183	.04277
Social Security	2,396,364	2,662,626	.01597
Police & Fire Pension	5,275,425	5,861,583	.03515
Bond and Interest Redemption	4,894,675	5,438,527	.03261

25. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal years ending August 31, 2013 and August 31, 2014, together with any monies previously so reserved.

26. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

27. There is hereby designated and appropriated General Fund cash balances to pay operation and maintenance expenses for solid waste management in an amount sufficient to produce net revenues equal to 110% of the annual debt service due and payable in such fiscal year on the Solid Waste Management Revenue Bonds issued in 2006 if and to the extent the net revenues in such fiscal year are less than 125% of the annual debt service due and payable in such fiscal year and to the extent that such General Fund cash balances are available.

28. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2011 was \$24,912,486. This August 31, 2011 unreserved balance is 18.9% of the General Fund budget for 2012-13 of \$131,969,905 included in this resolution. The August 31, 2011 unreserved balance was 1.1% less than the 20% goal for such balance set by Resolution A-82134.

29. That appropriations and cash are hereby transferred from Fire Department Grants to Fire Department General Fund (05004.5021) as shown on Schedule 8.

30. That the appropriations and cash (where necessary) for the following items be transferred effective August 31, 2012 up to the following amounts:

From:	ACCOUNT NUMBER	DESCRIPTION	AMOUNT
	18001.5989	Contingency	\$150,000
	79000.6001	Public Works & Utilities/Reappropriated Funds (use 79000.9220)	\$ 34,500
	10011.9220	Risk Mgmt./Excess Self Ins. Loss Fund	\$923,423
	12127	Title V Clean Air Fund (appropriation only)	\$25,000
	18002.5657	General Expense/Misc. Subgrantees (s/l 136813)	\$73,000
	79130.9220	Snow Removal Fund/Cash Transfers Out	\$120,000
	18002.5628	General Expense/Consultant	\$14,300
	18002.5647	General Expense/Corrections	\$79,000
	18002.5621	General Expense/Misc. Contractual	\$35,700
To:	78665.5868	Municipal Services Center/Oper. Maint. & Repair	\$3,500
	79500.5253	StarTran/Fuel Oper. Vehicles (also 19001 use 79500.9140)	\$120,000
	10005.9140	Risk Mgmt./Workers Comp. Self Ins. Loss Fund	\$923,423
	12161.5021	Animal Control Fund/Salaries (appropriation only)	\$25,000
	701397.9140	Salt Storage Shed Baldwin Ave (use 9110)	\$120,000
	05004.5021	Fire/Emergency Services	\$200,000
	02011.5021	Mayor/CIC	\$5,000
	10001.5021	Personnel/Salaries	\$58,000

31. That unencumbered appropriations and cash (where necessary) from the

budget for the fiscal year beginning September 1, 2011 in 18002.5070 (General Expense/Future Labor Settlements) are hereby reappropriated as of August 31, 2012 and transferred as indicated on Schedule 7 effective September 1, 2012.

32. The Finance Director is hereby directed to transfer unencumbered appropriations and cash (where necessary) from the budget for the biennium beginning September 1, 2012 in 18002.5070 (General Expense/Future Labor Settlements) in amounts proportionate to each department's share of the total settlement at such time as contracts are signed with labor unions.

33. The Finance Director is hereby directed to transfer unencumbered appropriations and cash (where necessary) for telephone service remaining in all departments' budgets after the department has transitioned to the Voice Over Internet Protocol (VOIP) system to Finance Department/Information Services Fund for debt service payments on the VOIP system.

34. Any unexpended balances of the \$1,000,000 appropriation remaining in the Cash Reserve Fund (06140) for Contingency purposes as of August 31, 2013 is hereby re-appropriated in 2013-14. Any unexpended balance of the \$1,000,000 appropriation in the Cash Reserve Fund (06140) for Contingency purposes and cash remaining as of August 31, 2014 is hereby transferred to the Police and Fire Pension Fund (15001.9140).

35. Cash Reserve Fund balances of \$325,275 are hereby appropriated for contractual obligations with Ashpaugh and Sculco for auditing services (06140.5624). The Finance Director is hereby authorized to appropriate Cash Reserve Fund balances for additional audits which are likely to result in recovering or increasing revenues or achieving savings in operating expenses.

36. Any revenue received during FY 2012-13 and FY 2013-14 in excess of the revenue estimates included in the attached budget schedules for sales tax and occupation tax is hereby appropriated and transferred to the Police and Fire Pension Fund as of August 31, 2014, notwithstanding any sum limitation set forth in the budget attached hereto.

37. The cash balance (approximately \$498,000) of Police and Fire Pension Fund business unit 15002 (PF Pension 12-B1 Recapture) is hereby transferred to Police and Fire Pension Fund business unit 15001 (Police & Fire Pension) as of August 31, 2012 and use of business unit 15002 will be discontinued.

38. The Finance Director is hereby authorized to turn back to the Lancaster County Treasurer the balance of the Star Building TIF District #9943 (approximately \$479,000). When the County Treasurer distributes the City's share (15.6%), \$44,547 (9.3% to the General Fund) is hereby appropriated to "N" Street BikeLane Project (413333.6145).

39. The Finance Director is hereby authorized to turn back to the Lancaster County Treasurer the balance of the Q to O, 13th to 14th Sts. TIF District #9963 (approximately \$113,650). When the County Treasurer distributes the City's share (15.6%), \$10,569 (9.3% to the General Fund) is hereby appropriated to Civic Plaza (413332.6138).

40. That the following unexpended appropriations are reappropriated effective August 31, 2012 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
03001.5021	Law/Salaries	\$6,000
06014.5621	Finance/911 Communications/Remodel	\$50,000
10004.5272	Risk Management Health Care	\$1,590
18052.6237/5633	Development Services Center	\$149,288
18002.5624	General Expense/Auditing Service	\$88,048
18002.5878	General Expense/Problem Resolution Team	\$55,444
18002.5880	General Expense/Graffiti Abatement	\$49,215
18002.5636	General Expense/Demolition of Buildings	\$52,268
18002.5657	General Expense/Human Serv. Contracts/Cornhusker Place (20407 A)	\$142,300
01001.5989	City Council/Misc. Other Serv. & Charges	\$10,627
18002.5659	General Expense/Oracle Financial System	\$434,141
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$285,378
18002.6027	General Expense/City Share-Impact Fees (Econ. Dev.)	\$180,000
06065.6085	Finance/Radio Shop/Radio Equipment	\$220,904
09250.5621	Parks/KENO/Misc. Contractual	\$51,334
08001.5633	Bldg. & Safety/Admin./Software	\$113,548
08001.5761	Building & Safety/Admin./Microfilming	\$45,000
08002.6069	Building & Safety/Business Office/Data Proc. Equip.	\$81,867
18002.5970	General Expense/Court & Litigation	\$61,931
18002.5642	General Expense/Legal Services	\$101,223
18002.5998	General Expense/Witness Fees	\$56,558
18002.5633	General Expense/Software	\$77,295
17004.5638	Com. Health Endowment/Grants	\$1,450,666
17004.5621	Com. Health Endowment/Misc. Contractual	\$359,136
18002.5865	General Expense/Minor Bldg. & Grounds Improve.	\$7,500
13025.5621	Urban Dev./Downtown Civic Venture	\$10,547
06014.6238	Finance/911 Communications/match for phone sys.	\$92,000
06014.6239	Finance/911 Communications/match for phone sys.	\$38,000
06014.6062	Finance/911 Communications/Audio Visual Equip.\$470,000	
0401b.5628	Police/Mgmt./Consultant Serv.	\$150,000
0402b.5263	Police/Support/Wearing Apparel	\$53,000
0402b.5420	Police/Support/Minor Equipment	\$8,226

0402b.5634	Police/Support/CJIS \$14,061	
0402b.5728	Police/Support/Schools & Conf.	\$6,954
0402b.5861	Police/Supprt/Furniture & Fixture Repair	\$4,084
0402b.5952	Police/Support/Advertising/Media Service	\$32,344
0402b.6062	Police/Support/Audio-Visual Equip.	\$42,881
0402b.6069	Police/Support/DP Equipment	\$58,558
0402b.6076	Police/Support/Misc. Equipment	\$23,074
0402b.6085	Police/Support/Radio Equipment	\$4,340
0402b.6072	Police/Support/Furniture & Fixtures	\$10,000

41. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2011 be transferred and reappropriated up to the following amounts effective August 31, 2012:

From:		
18002.5628	General Expense/Consultant	\$65,300
12112.5021	Health/CHS/Salaries	\$60,000
09001.6001	Parks/Reappropriated Funds	\$52,409
18002.5856	General Expense/City Share of Downtown Maintenance	\$57,317
18002.6069	General Expense/Data Proc. Equip.	\$45,734

To:		
18002.5659	General Expense/Oracle Financial System	\$45,734
18002.5621	General Expense/Misc. Contractual	\$40,000
277512.5021	Urban Dev./WIA/Salaries (also increases Interfund Transfer)	\$25,300
12172.6069	Health/Info. & Fiscal/Data Proc. Equip.	\$60,000
413536.6137	Urban Dev./Downtown St. Tree Replace. (13001.9234 also)	\$57,317
409332.6132	Parks/PPNC/Chet Ager Bldg (also increase 09002.9237)	\$16,358
409397.6138	Parks/Sunken Gardens Pum (also increase 09002.9237)	\$29,727
409387.6138	Parks/Drinking Fountain replacement (also increase 09002.9237)	\$6,324

42. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2012 up to the amount shown below:

FUND	AMOUNT
General	\$3,202,000
Health	\$300,000
Library	\$40,000
Aging	\$251,000
911 Communications	\$343,000

43. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Eugene Carroll

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

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF PARKING REVENUE AND REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO PAY THE COSTS OF AN ADDITIONAL PARKING GARAGE, TO REFUND OUTSTANDING PARKING REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance, sale and delivery of not to exceed \$13,000,000 parking revenue and refunding bonds, series 2012, in one or more series for the purpose of (A) providing for the payment and redemption of all or a portion of the City's \$3,290,000 outstanding principal amount of parking revenue bonds series 2001, and (B) paying all or part of the cost of certain additional parking improvements; limiting payment of the series 2012 bonds solely to certain specified sources; making certain pledges, covenants, and agreements to secure the series 2012 bonds; directing the manner of sale of the series 2012 bonds; delegating, authorizing, and directing the Finance Director or the City Controller to exercise his or her own independent judgement and absolute discretion in (1) determining, fixing, and finalizing the principal amount of each series of series 2012 bonds and principal maturities thereof, rates of interest and other terms and provisions of each series of the series 2012 bonds and (2) determining and fixing the terms and provisions of such documents; and related matters, the first time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CORRECT UNINTENTIONAL DRAFTING ERRORS AND OMISSIONS RESULTING FROM THE REFORMATTING AND STREAMLINING CHANGES TO THE ZONING CODE AS AMENDED BY ORDINANCE NO. 19733, PASSED BY THE CITY COUNCIL ON JUNE 25, 2012 - CLERK read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code to correct unintentional drafting errors and omissions resulting from the reformatting and streamlining changes of the Zoning Code as amended by Ordinance No. 19733, passed by the City Council for the City of Lincoln on June 25, 2012, by amending Section 27.06.090 to insert the correct use group characteristics for the Utilities Use Group; by amending Section 27.06.170 to correctly designate that cabinet shops or stores are a

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permitted use not a permitted conditional use in the H-3 zoning district; by amending Section 27.62.100 to include the omitted provisions that in the I-1 zoning district retail sales and services are a permitted conditional use and shall not occupy more than 20,000 square feet of floor area per business; by amending Section 27.63.240 to include the omitted provision that retail sales and services of over 20,000 square feet of floor area may be allowed as a permitted special use in the I-2 zoning district; by amending Section 27.72.070 to include omitted side and rear yard requirements in the I-1, I-2 and I-3 zoning districts; by adding an omitted new section numbered 27.72.090 to Chapter 27.72 (Height and Lot Regulations) to allow outdoor recreation areas to be located in any yard provided all structures requiring building permits meet setback requirements; and repealing Sections 27.06.090, 27.62.100, 27.63.240, and 27.72.070 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING A MULTI-YEAR CITY OF LINCOLN CONSTRUCTION MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC. FOR ITS ENGINEERING SERVICES CONSTRUCTION CONTRACT MANAGEMENT SOFTWARE FOR A FOUR YEAR TERM.

APPROVING AMENDMENT TO BID NO. 10-163 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF FABRICATED TAPPING SLEEVES FOR AN ADDITIONAL TWO YEAR TERM.

APPROVING AMENDMENT TO BID NO. 10-160 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF CLOW FIRE HYDRANT PARTS FOR AN ADDITIONAL TWO YEAR TERM.

APPROVING THREE UNIT PRICE CONTRACTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND MWE SERVICES, INC., NGC GROUP, INC. AND DAVID WOOD CONSTRUCTION, INC. FOR GENERAL CONSTRUCTION PROJECTS LESS THAN \$25,000 PURSUANT TO BID NO. 12-143 FOR FOUR YEAR TERMS.

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

A RESOLUTION TO APPROVE THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 4:52 P.M.

CAMP Moved to adjourn the City Council meeting of August 20, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant