

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 19, 2012 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eskridge; Council Members: Camp, Carroll, Cook, Emery, Schimek; Deputy City Clerk, Teresa J. Meier.

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

READING OF THE MINUTES

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of November 5, 2012 reported having done so, found same correct. Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

PUBLIC NOTICE OF VACANCY OF COUNCIL SEAT

Council Chair Eskridge announced that a letter was received from Adam Hornung indicating his resignation from the Council.

Council Member Jonathan Cook requested to waive Rule 1-6 requiring the City Council to make an appointment within 15 days. Cook explained that a rule change is in order to file the process that the Chairman has laid out regarding filling the vacancy in conformance with the State law timeline.

COOK Moved to waive the Council Ordinance timeline to conform with the State law timeline. Seconded by Carroll.

ESKRIDGE Stated that the vote would be December 17, 2012.

CAMP Respectfully asked that the vote be delayed to the following meeting scheduled on January 7, 2013.

City Attorney Rod Confer came forward to explain that State Law requires the election to be held within four weeks of the Public Notice of Vacancy which is being made today.

CAMP Amended his motion to request the vote to be held on December 10, 2012. Motion **DIED** for lack of a second.

ESKRIDGE Instructed Clerk to call the roll on the waiver of the rules & it was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

ELECTION OF VICE CHAIR

EMERY Moved to nominate Jon Camp as Vice Chair.

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

PUBLIC HEARING

APPLICATION OF HERBERG LLC DBA STAYBRIDGE SUITES FOR A CLASS I LIQUOR LICENSE AT 1501 NORTH 86TH STREET;

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR HERBERG LLC DBA STAYBRIDGE SUITES AT 1501 NORTH 86TH STREET - Tim O'Neill, Harding & Shultz, 121 S. 13th St., #800, attorney for the applicant, came forward to take oath and answer questions about their low-profile liquor service for Staybridge Suite guests on Tuesdays, Wednesdays and Thursdays.

This matter was taken under advisement.

APPLICATION OF RED HERRING CONCEPTS LLC DBA LEADBELLY FOR A CLASS CK LIQUOR LICENSE AT 301 NORTH 8TH STREET, SUITE 100;

MANAGER APPLICATION OF MICHAEL J. MARTIN FOR RED HERRING CONCEPTS LLC DBA LEADBELLY AT 301 NORTH 8TH STREET, SUITE 100 - Michael Martin, 5327 NW 3rd St., came forward to take oath and answer questions. He said his business can be described as a contemporary American pub providing full-service meals, appetizers, entrées,

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soups & salads as well as a full complement of alcoholic beverages. Mr. Martin recounted his 22 years in the restaurant business. He said the management company which brought Toast to Fallbrook is looking forward to expanding its restaurant service in the Haymarket.

This matter was taken under advisement.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #4033 FOR A CLASS C LIQUOR LICENSE AT 5611 SOUTH 27TH STREET;

MANAGER APPLICATION OF KEVIN M. MERFELD FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #4033 AT 5611 SOUTH 27TH STREET - Buck Heim, Kutak Rock Law Firm, 1650 Farnam St., Omaha, attorney for the applicant, came forward to take oath and answer questions about the change from a Class D to a Class C liquor license. He said Kevin Merfeld, Manager, was on hand for questioning.

This matter was taken under advisement.

APPLICATION OF HH INVESTMENTS, LLC DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET;

MANAGER APPLICATION OF MARC D. HAUSMANN FOR HH INVESTMENTS, LLC DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD STREET - Marc Hausmann, 5700 N. 33rd St., came forward to take oath and answer questions. Mr. Hausmann clarified ownership and said he is a managing member of HH Investments, LLC.

This matter was taken under advisement.

APPLICATION OF XELA, INC. DBA LEGENDS BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 8300 NORTHWOODS DRIVE;

MANAGER APPLICATION OF JASON VON KAENEL FOR XELA, INC. DBA LEGENDS BAR AND GRILL AT 8300 NORTHWOODS DRIVE - Hilary Farber, Front-End Manager, came forward to take oath and answer questions on behalf Mr. Von Kaenel who could not be present today. She explained the reason for lack of representation on the original hearing date of November 5, 2012.

In response to Council Member Camp's concerns to consider a another delay, Council Member Emery clarified that Mr. Von Kaenel has been approved as current manager for this establishment which has simply had a change in ownership.

Deputy Clerk Meier said City Council recommendation of the liquor license is at its 45-day limit.

This matter was taken under advisement.

RECOGNITION

Council Chair Eskridge interrupted the public hearing to recognize the presence of Boy Scout Troop 36 and Boy Scout Troop 49 in attendance at today's meeting. He thanked the scouts for coming and asked that all members stand in recognition as they work toward achieving their citizenship badges.

PUBLIC HEARING CONTINUED

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY, INC. FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A THREE-YEAR TERM FROM OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016 - Rod Confer, City Attorney, came forward to explain that the agreement is a continuation to provide detox services for a period of time.

Phil Tegeler, Executive Director at Cornhusker Place, came forward to answer questions. He explained the process when an individual detained by law enforcement is in danger to himself/herself or to someone else. The individual may be placed in civil protective custody and held for up to 24 hours. Discharge occurs when the individual's level of intoxication reaches zeros or a responsible party comes forward to take responsibility for the intoxicated person. Mr. Tegeler said this contract service has been provided to the City of Lincoln since 1983.

Council Chair Eskridge expressed appreciation to Cornhusker Place for its valuable service to the community.

This matter was taken under advisement.

APPROVING THE SELECTION OF PAVERS COMPANIES AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. LCLC-5228(4), LINCOLN CITYWIDE RESURFACING PROJECT;

APPROVING THE SELECTION OF UNITED CONTRACTORS INC. AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. STPN-BRR-TMT-5267(1), SW 40TH STREET VIADUCT PROJECT;

APPROVING THE SELECTION OF UNITED CONTRACTORS INC. AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. LCLC-5231(13), 27TH STREET VIADUCT REPAIR PROJECT - Thomas Shafer, Public Works & Utilities, came forward to answer questions about the contracts and use of federal funds. He explained contract wording and the direction of funds from Congress to State and finally to the City.

This matter was taken under advisement.

ADOPTING THE LES RATE SCHEDULES PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 2.6%, EFFECTIVE JANUARY 1, 2013;

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2013, TO BECOME EFFECTIVE JANUARY 1, 2013 - Kevin Wailes, Administrator & CEO of Lincoln Electric System, came forward to present rate schedules and annual budget figures. Mr. Wailes recognized three LES Board Members present at the City Council Meeting: Patrick Beans, Board Chair; Marilyn McNabb, Board Vice Chair; and W. Don Nelson.

Laura Kapustka, Vice President & CFO of Lincoln Electric System, came forward to provide a presentation and answer questions. She said the Capital Budget is almost \$3 million less than last year with a number of projects either underway or nearing completion in 2013. She said Debt Service is slightly lower than last year as a result of a very successful bond issue last summer. Ms. Kapustka said Operating & Maintenance and Administrative & General (O&M and A&G) costs are up \$5 million from last year. Rate drivers are up and power costs are slightly down. Natural gas prices are lower and the Cross State Air Pollution Rule has been vacated. She continued to share the following key points about the Proposed 2013 Rate Adjustment (2.6% system-wide rate adjustment): it achieves a 2.0% debt service coverage; it meets or makes progress toward liquidity/debt equity goals; it includes a \$2 million deposit to the Rate Stabilization Fund; it continues to fund the \$3 million incentive to the Sustainable Energy Program (SEP); it transfers \$300,000 of administrative costs to the SEP; it includes the hiring of six additional employees for a total of 473 employees; and it includes \$16 million of short-term borrowing. Components of the 2.6% rate adjustment reveal a \$5 million increase in O&M and A&G (IT hardware/software costs, payroll costs), a debt service coverage increase of .8%, a decrease of power costs (1.2% from the 2012 budget) and a revenue adjustment of 1% to offset the 2012 forecast which was in place.

Council Member Camp expressed concerns about being careful and conservative but at the same time not overly burdening the rate payers.

Council Member Carroll inquired about the reflection of 2.6% on a monthly residential bill. Ms. Kapustka said the average residential customer using 1,000 kw hrs./mo., would see an increase of \$2.43 in their monthly bill.

In response to Council questions on neighboring power companies' increases, Ms. Kapustka said NPPD has a 3.75% rate increase for wholesale and retail customer usage. She said OPPD announced a 6.9% rate increase with 7.7% being for residential customers.

Mr. Wailes said, based on the 2012 rates, Lincoln is 11th lowest out of 106 major cities in the United States.

Ms. Kapustka covered rate changes in different classes: Residential up 2.6%; Small Commercial up 3.0%; General Service Demand, 0%; Commercial Large Light & Power up 3.3%; and Industrial Large Power Contract up 3.5%.

Andy Pollock, attorney for Rembolt Ludtke, LLC, 1201 Lincoln Mall, came forward representing the Lincoln Employers' Coalition which consists of about 25 industrial users of electricity in the City of Lincoln. He suggested that surplus revenue be returned to rate payers in the form of a reduced rate increase to next year's budget.

Coby Mach, LIBA, came forward to share facts, figures and observations regarding the LES Budget. He expressed opposition to funding the refrigerator buy-back program. Mr. Mach suggested lowering the Sustainable Energy Program to \$2.3 million. He said that while LES is doing a great job, LIBA opposes the possibility of a rate increase to large businesses & industrial users who provide thousands of local jobs. Mr. Mach said LIBA is asking LES to be conscious of spending -- he encouraged them to look into travel & training budgets for savings and give careful consideration of expenses in wind energy and other renewables.

John Atkeison, Energy Policy Director with the Nebraska Wildlife Federation, came forward to comment. As an activist with Energy Link, a new, grass-roots organization concerned with energy policy, Mr. Atkeison said LES needs to increase efforts to make a larger portion of the energy supply from clean, renewable energy using Nebraska fuels, specifically wind & solar. He said all electricity users should pay their fair share.

Mr. Wailes came forward in rebuttal. He explained the refrigerator buy-back program as one that might not be the most efficient but it does have environmental benefits by taking harmful substances out of the community. He talked about incentive costs in the SEP and keeping a cost-effective balance. Mr. Wailes clarified issues brought up by Mr. Mach as it related to rate increases in the near future for large energy users. He said a contract for wind power is done on a 20-year basis and helps to diversify the power supply portfolio with less risk to coal and natural gas. Mr. Wailes responded to Council Member Camp's questions about allocating \$1 million by stating that if so directed from Council, LES would return to the Budget Rates Committee, call a special Board Meeting and deal with the issue. He said Lincoln Electric System is very prudent in its budget process. Mr. Wailes stated that at some point in the process a stopping point has to be found, a statement must be made declaring that this is the best we know at the time and leave a little bit of margin for the last two months of the year.

In response to Council Chair Eskridge's request to explain the use of Rate Stabilization Funds, Mr. Wailes said it has one role: to provide liquidity. The intention of RSF is to deal with short-term events where a sufficient amount of cash is on hand to handle the one-time event and rates do not have to be raised immediately.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DOUGLAS MCDANIEL TO THE LINCOLN-LANCASTER COUNTY EMS OVERSIGHT AUTHORITY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87088 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Douglas McDaniel to the EMS Oversight Authority Board for a term expiring September 1, 2015 is hereby approved.

Introduced by Doug Emery

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

RESOLUTION ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87089 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed November 5, 2012, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

RESOLUTION SETTING THE PUBLIC HEARING DATE OF MONDAY, DECEMBER 10, 2012 AT 3:00 P.M. ON THE ASSESSMENT OF THE COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JANUARY 1, 2012, THROUGH DECEMBER 31, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87090 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a public hearing date of Monday, December 10, 2012, at 3:00 p.m. or as soon thereafter as possible is hereby set on the assessment of weed abatement costs incurred by the City of Lincoln, Nebraska, for the period of January 1, 2012 through December 31, 2012.

Introduced by DiAnna Schimek

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

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 29, 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 NOVEMBER 5, 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:

Waiver No. 11007 approved by the Planning Director on November 8, 2012 requested by Steven Knobel to extend the time for two years until November 8, 2014 to install sidewalks and street trees for North Creek Business Park 1st Addition generally located at Fletcher Avenue and North 14th Street.

Administrative Amendment No. 12034 to Special Permit No. 1992A, Edenton Woods Community Unit Plan, approved by the Planning Director on November 2, 2012 requested by CaseyCo to revise the site plan by reducing the number of lots at the end of Camella Court by one and showing the five lots surrounding the cul-de-sac bulb to be developed with detached single-family dwellings on property generally located near Ashbrook Drive and Highway 2.

Administrative Amendment No. 12054 to Special Permit No. 05002, Foreman Ridge Addition Community Unit Plan, approved by the Planning Director on November 2, 2012 requested by Michael and Makayla Zoerb to revise the outlot and lot layout on one lot and to reduce the front yard setback from 40 feet to 35 feet along several "Future Roadway"s (cul-de-sacs) in the "build through" site plan on property generally located at SW 12th Street and West Denton Road.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF HERBERG LLC DBA STAYBRIDGE SUITES FOR A CLASS I LIQUOR LICENSE AT 1501 NORTH 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87091 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 Herberg LLC dba Staybridge Suites for a Class "I" liquor license at 1501 North 86th Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that the premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR HERBERG LLC DBA STAYBRIDGE SUITES AT 1501 NORTH 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87092 WHEREAS, Herberg LLC dba Staybridge Suites located at 1501 North 86th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John E. Klimpel be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF RED HERRING CONCEPTS LLC DBA LEADBELLY FOR A CLASS CK LIQUOR LICENSE AT 301 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87093 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 Red Herring Concepts LLC dba Leadbelly for a Class "CK" liquor license at 301 North 8th Street, Suite 100, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that the premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF MICHAEL J. MARTIN FOR RED HERRING CONCEPTS LLC DBA LEADBELLY AT 301 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87094 WHEREAS, Red Herring Concepts LLC dba Leadbelly located at 301 North 8th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Michael J. Martin be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #4033 FOR A CLASS C LIQUOR LICENSE AT 5611 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87095 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 Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #4033 for a Class "C" liquor license at 5611 South 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that the premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF KEVIN M. MERFELD FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #4033 AT 5611 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87096 WHEREAS, Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #4033 located at 5611 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kevin M. Merfeld be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF HH INVESTMENTS, LLC DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87097 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 HH Investments, LLC dba North Star Express for a Class "D" liquor license at 5700 North 33rd 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

MANAGER APPLICATION OF MARC D. HAUSMANN FOR HH INVESTMENTS, LLC DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87098 WHEREAS, HH Investments, LLC dba North Star Express located at 5700 North 33rd Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Marc D. Hausmann be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF XELA, INC. DBA LEGENDS BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 8300 NORTHWOODS DRIVE (11/5/12 - DELAYED 2 WKS W/CON'T P.H. ON 11/19/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87099 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 Xela, Inc. dba Legends Bar and Grill for a Class "C" liquor license at 8300 Northwoods Drive, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

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

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

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MANAGER APPLICATION OF JASON VON KAENEL FOR XELA, INC. DBA LEGENDS BAR AND GRILL AT 8300 NORTHWOODS DRIVE (11/5/12 - DELAYED 2 WKS W/CON'T P.H. ON 11/19/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87100 WHEREAS, Xela, Inc. dba Legends Bar and Grill located at 8300 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason Von Kaenel be named manager;
WHEREAS, Jason Von Kaenel 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 Jason Von Kaenel be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16-31, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87101 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated November 1, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
Richard Hedrick \$ 2,000.00	Stanley Oswald \$9,000.00
Marilyn Hedrick 2,000.00	
John Crow 200,000.00	
	<u>WITHDRAWN CLAIM</u>
	Arok Atem \$1,000,000.00

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

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY, INC. FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A THREE-YEAR TERM FROM OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87102 WHEREAS, the City of Lincoln is desirous of entering into a contract with Cornhusker Place, Inc. for protective custody services for those individuals with alcohol and drug abuse problems and for space for the Lincoln Police Department to conduct chemical testing.

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

That the Contract for Services between the City of Lincoln, Nebraska and Cornhusker Place, Inc., a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference, for a three-year period, under which Cornhusker Place, Inc. will provide protective custody services for those individuals with alcohol and drug abuse problems and provide space for the Lincoln Police Department to conduct chemical testing, upon the terms and conditions set forth in said Agreement, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a fully executed copy of said Agreement to Phil Tegeler, Executive Director of Cornhusker Place at 721 "K" Street, Lincoln, Nebraska 68508.

Introduced by Doug Emery

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

APPROVING THE SELECTION OF PAVERS COMPANIES AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. LCLC-5228(4), LINCOLN CITYWIDE RESURFACING PROJECT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87103 WHEREAS, the City of Lincoln adopted Resolution No. A-86135 on November 22, 2010 approving an Agreement for the use of Federal Transportation Program Funds for the Lincoln Citywide Resurfacing Project No. LCLC-5228(4); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected Pavers Companies as the low bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

APPROVING THE SELECTION OF UNITED CONTRACTORS INC. AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. STPN-BRR-TMT-5267(1), SW 40TH STREET VIADUCT PROJECT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87104 WHEREAS, the City of Lincoln adopted Resolution No. A-86992 on September 10, 2012 approving an Agreement for the use of Federal Transportation Program Funds for improvements to be constructed for the SW 40th Street viaduct Project No. STPN-BRR-TMT-5267(1); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected United Contractors Inc. as the low bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

APPROVING THE SELECTION OF UNITED CONTRACTORS INC. AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. LCLC-5231(13), 27TH STREET VIADUCT REPAIR PROJECT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87105 WHEREAS, the City of Lincoln adopted Resolution No. A-86136 on November 22, 2010 approving an Agreement for the use of Federal Transportation Program Funds for improvements to be constructed for the 27th Street viaduct repair Project No. LCLC-5231(13); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected United Contractors Inc. as the low bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

ADOPTING THE LES RATE SCHEDULES PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 2.6%, EFFECTIVE JANUARY 1, 2013. (ACTION DATE: 12/3/12)

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2013, TO BECOME EFFECTIVE JANUARY 1, 2013. (ACTION DATE: 12/3/12)

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

COMP. PLAN CONFORMANCE 12015 - DECLARING TWO PARCELS OF PROPERTY CONSISTING OF APPROXIMATELY 1.52 ACRES GENERALLY LOCATED SOUTH OF LINE DRIVE BETWEEN NORTH 3RD STREET AND NORTH 7TH STREET AS SURPLUS PROPERTY - CLERK read the following ordinance, introduced by Jonathan Cook, declaring two City owned parcels of land totaling approximately 1.52 acres generally located south of Line Drive between North 3rd Street and North 7th Street as surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19801**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO LONGEVITY PAY TO DELETE LONGEVITY PAY PAID TO EMPLOYEES IN PAY RANGES PREFIXED BY "E" WHO REACH FIVE YEARS OF SERVICE AFTER AUGUST 15, 2012 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.155 of the Lincoln Municipal Code relating to longevity pay to delete longevity pay paid to employees in pay ranges prefixed by "E" who reach five years of service after August 15, 2012; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19802**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO ADD LANGUAGE TO CLARIFY THE PAYOUT PROVISIONS UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE FOR EMPLOYEES IN PAY RANGES PREFIXED BY "A" AND "C" AND TO ADD LANGUAGE RELATING TO SICK LEAVE PAYOUT UPON RESIGNATION FOR UNREPRESENTED EMPLOYEES IN PAY RANGES PREFIXED BY "E" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to add language to clarify the payout provisions upon retirement, death, or reduction in force for employees in pay ranges prefixed by "A" and "C", and to add language relating to sick leave payout upon resignation for unrepresented employees in pay ranges prefixed by "E"; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing. the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19803**, is recorded in Ordinance Book #28, Page .

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING §3.24.080 TO ELIMINATE THE APPLICATION OF THE TELECOMMUNICATION OCCUPATION TAX TO TELECOMMUNICATION EQUIPMENT AND CERTAIN TELECOMMUNICATION SERVICES; AND, TO CLARIFY THAT THE TELECOMMUNICATION OCCUPATION TAX CONTINUES TO APPLY TO PRIVATE COMMUNICATION SERVICES; AMENDING §3.24.100 TO REQUIRE COMPANIES TO REPORT TELECOMMUNICATION SERVICES REVENUES BY CATEGORIES; AND, AMENDING §3.24.150 TO REMOVE THE REFERENCES TO THE FINANCE DEPARTMENT PROVIDING WRITTEN INTERPRETATIONS OF THE APPLICABILITY OF THE TELECOMMUNICATION OCCUPATION TAX - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 3.24 of the Lincoln Municipal Code relating to occupation taxes by amending Section 3.24.080 to eliminate the application of the telecommunication occupation tax to

telecommunication equipment and certain telecommunication services, and to clarify that the telecommunication occupation tax continues to apply to private communication services; amending Section 3.24.100 to require companies to report telecommunication services revenues by categories; amending Section 3.24.150 to remove the references to the Finance Department providing written interpretations of the applicability of the telecommunication occupation tax; and repealing Sections 3.24.080, 3.24.100, and 3.24.150 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19804, is recorded in Ordinance Book #28, Page .

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

ANNEXATION NO. 12004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.6 ACRES GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Corporate Limits Map by annexing approximately 4.6 acres generally located at South 84th Street and Amber Hill Road, the first time.

CHANGE OF ZONE 12027 - APPLICATION OF FOX HOLLOW, LLC, FOR A CHANGE OF ZONE FROM AGR AGRICULTURE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12) - CLERK read an ordinance, introduced by DiAnna Schimek, for the application of Fox Hollow, LLC, for a change of zone from AGR Agriculture Residential District to R-3 Residential District on property generally located at South 84th Street and Amber Hill Road, the first time.

SPECIAL PERMIT NO. 06001B - APPEAL OF RUSS KROMBERG FROM THE PLANNING COMMISSION APPROVAL OF AN AMENDMENT TO THE GRAND TERRACE COMMUNITY UNIT PLAN TO ADD 4.6 ACRES AND UP TO 31 ADDITIONAL DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS FOR CUL-DE-SAC BULB RADIUS FROM 43.5' TO 30' ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD. (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12)

COMP. PLAN CONFORMANCE 12012 - DECLARING APPROXIMATELY 0.15 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF NORTH 20TH STREET AND O STREET, 0.59 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 20TH STREET AND N STREET, AND 0.23 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 21ST STREET AND M STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by DiAnna Schimek, declaring approximately 0.15 acres of property generally located southeast of North 20th Street and O Street, 0.59 acres of property generally located northeast of South 20th Street and N Street, and 0.23 acres of property generally located northwest of South 21st Street and M Street as surplus property, the first time.

VACATION 12008 - VACATING A PORTION OF SOUTH 38TH STREET RIGHT-OF-WAY, GENERALLY LOCATED AT SOUTH 38TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by DiAnna Schimek, vacating a portion of South 38th Street south of South Street from the northeast corner of Lot 5, Woods Bros. Half Acres Addition south a distance of 63.06 feet along the west right-of-way line of 38th Street to a point, thence southeasterly to a point on the east right-of-way line of 38th Street, 96.27 feet south of the northeast corner of Lot 4, Woods Bros. Half Acres Addition, thence north along the east right-of-way line of South 38th Street to the south line of South Street, and also a triangular tract in the northwest corner of Lot 4, Woods Bros. Half Acres Addition; generally located at South 38th Street and South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

RATIFYING AN ORDINANCE TO VACATE T, U AND V STREETS BETWEEN 8TH AND 9TH STREETS IN THE CITY OF LINCOLN, THE ALLEY EXTENDING THROUGH AND INTO BLOCKS 18, 9, AND 6 IN ORIGINAL LINCOLN AND BLOCK 14 IN NORTH LINCOLN, AND THE UNNAMED RIGHT-OF-WAY BETWEEN 8TH AND 9TH STREETS LYING BETWEEN WHAT WAS ORIGINALLY PLATTED AS BLOCK 14 OF NORTH LINCOLN AND BLOCK 6 OF ORIGINAL LINCOLN WHICH WAS PASSED FEBRUARY 15, 1886 AND REPUBLISHED IN THE GENERAL REVISED AND CONSOLIDATED ORDINANCE OF THE CITY OF LINCOLN, BEING ORDINANCE NO. 623, WHICH WAS PRINTED AND PUBLISHED IN BOOK AND PAMPHLET FORM IN THE CITY OF LINCOLN IN PURSUANCE OF THE PROVISIONS OF THE STATUTES OF THE STATE OF NEBRASKA AND THE ORDINANCE OF THE CITY OF LINCOLN, AND BY ORDER AND UNDER THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY

OF LINCOLN - CLERK read an ordinance, introduced by DiAnna Schimek, ratifying an ordinance to vacate T, U and V Streets between 8th and 9th Streets in the City of Lincoln, the alley extending through and into Blocks 18, 9 and 6 in Original Lincoln and Block 14 in North Lincoln, and the unnamed right-of-way between 8th and 9th Streets lying between what was originally platted as Block 14 of North Lincoln and Block 6 of Original Lincoln which was passed February 14, 1886 and in 1908 was republished in the general revised and consolidated ordinance of the City of Lincoln, being Ordinance No. 623, which was printed and published in book and pamphlet form in the City of Lincoln in pursuance of the provisions of the statutes of the State of Nebraska and the ordinance of the City of Lincoln, and by order and under the authority of the Mayor and City Council of the City of Lincoln, the first time.

APPROVING A LICENSE AGREEMENT FOR PARKING BETWEEN THE CITY OF LINCOLN AND THE COMMUNITY HEALTH ENDOWMENT DESIGNATING FOUR PARKING SPACES IN THE UNION PLAZA PARKING LOT, GENERALLY LOCATED NORTH OF NORTH 21ST STREET AND Q STREET, FOR USE BY THE COMMUNITY HEALTH ENDOWMENT - CLERK read an ordinance, introduced by DiAnna Schimek, accepting and approving the License Agreement between the City of Lincoln, Nebraska and the Community Health Endowment to designate four parking spaces in the Union Plaza parking lot generally located north of North 21st Street and Q Street for use by the Community Health Endowment, the first time.

AMENDING LINCOLN MUNICIPAL CODE §§ 2.02.050, 2.02.120 AND 2.02.065 TO TRANSFER THE RESPONSIBILITY AND MANAGEMENT OF THE EMERGENCY COMMUNICATION CENTER FROM THE FINANCE DEPARTMENT TO THE POLICE DEPARTMENT; AND BY AMENDING LINCOLN MUNICIPAL CODE §2.02.065 TO MAKE THE PUBLIC SAFETY DIRECTOR A PERMANENT POSITION (RELATED ITEMS 12-149, 12R-194) - CLERK read an ordinance, introduced by amending Section 2.02.050 and 2.02.120 of the Lincoln Municipal Code to reassign the Emergency Communications Division from the Finance Department to the Police Department; amending Section 2.02.065 to delete reference to the Emergency Communications Division Manager and to eliminate the expiration date of the Public Safety Director position; authorizing the transfer of remaining appropriations for the Emergency Communications Division from the Finance Department to the Police Department; repealing Sections 2.02.050, 2.02.065 and 2.02.120 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 WORKPLAN TO EXTEND THE TERM UNTIL DECEMBER 31, 2012.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR WIRELESS VOICE SERVICE, WIRELESS BROADBAND SERVICE, ACCESSORIES AND EQUIPMENT PURSUANT TO STATE OF NEBRASKA CONTRACT NUMBER 53233 04 FOR A FOUR YEAR TERM.

APPROVING THE AMENDMENT TO EACH OF THE AGREEMENTS FOR THE ANNUAL REQUIREMENTS FOR IN-HOME SUPPORTIVE SERVICES FOR THE ELDERLY, PURSUANT TO BID NO. 10-181, BETWEEN THE CITY OF LINCOLN AND TABITHA HOME CARE SPECIALTIES, THE CITY OF LINCOLN AND ARCADIA HEALTH CARE, AND THE CITY OF LINCOLN AND ELITE PROFESSIONALS HOME CARE COMPANY FOR ADDITIONAL TWO YEAR TERMS.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PEPSI-COLA OF LINCOLN FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN BEVERAGE AND SNACK VENDING SERVICES, PURSUANT TO RFP BID NO. 12-183 FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FIVE YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HOUCK TRANSIT ADVERTISING FOR THE ANNUAL REQUIREMENTS FOR TRANSIT ADVERTISING SERVICES, PURSUANT TO RFP NO. 12-237 FOR A FIVE YEAR TERM.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR CITY PROJECT NO. 702671, A SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND OFF-RAMP TO U.S. HIGHWAY 6.

APPROVING A PRELIMINARY ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE LINCOLN STONEBRIDGE TRAIL PROJECT, NDOR NO. ENH-55(177), CONTROL NO. 13213, GENERALLY LOCATED NEAR 14TH STREET AND ALVO ROAD.

WAIVER NO. 12020 - APPEAL OF MARC SCHNIEDERJANS ON BEHALF OF HAMANN MEADOWS TOWNHOMES, LLC FROM THE PLANNING COMMISSION DENIAL OF THEIR REQUEST TO WAIVE THE REQUIREMENT OF \$26.23.125 OF THE LAND SUBDIVISION ORDINANCE FOR PEDESTRIAN WAY ASSOCIATED WITH A BLOCK LENGTH IN EXCESS OF 1,000 FEET ON PROPERTY GENERALLY LOCATED BETWEEN CRYSTAL COURT AND DIAMOND COURT APPROXIMATELY ONE BLOCK NORTHEAST OF THE INTERSECTION OF PIONEERS BLVD. AND SOUTH 76TH STREET.

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

MISCELLANEOUS BUSINESS

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 (8/20/12 - P.H. CON'T TO 9/10/12) (9/10/12 - CON'T P.H. TO 9/17/12) (9/17/12 - P.H. CON'T TO 9/24/12) (9/24/12 - CON'T P.H. TO 10/8/12) (10/8/12 - INDEFINITE PENDING W/CON'T FUTURE P.H.) (REQUEST TO REMOVE FROM PENDING FOR PUBLIC HEARING ON 12/3/12) (RELATED ITEMS: 12-149, 12R-194) - PRIOR to reading:

CARROLL Moved to remove Bill No. 12R-194 from Pending to have P.H. on December 3, 2012.

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

OPEN MICROPHONE

Jane Svoboda, 2450 Q Street, came forward to comment on various issues. This matter was taken under advisement.

ADJOURNMENT 7:11 P.M.

CAMP Moved to adjourn the City Council meeting of November 19, 2012.

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

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Office Specialist

REGULAR MEETING
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