

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 11, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Carroll, Cook, Emery, Hinkley, Schimek; City Clerk, Joan E. Ross.

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

CARROLL Having been appointed to read the minutes of the City Council proceedings of February 4, 2013 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

PUBLIC HEARING

APPLICATION OF TLD FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS IK LIQUOR LICENSE AT 1332 P STREET, SUITE A;
MANAGER APPLICATION OF PAUL A. JOHNSON FOR TLD FOODS, INC. DBA SAM & LOUIE'S AT 1332 P STREET, SUITE A - Cory Lyons, President of TLD Foods, Inc., came forward to take oath and answer questions.

Paul Johnson, General Manager, came forward to take oath and answer questions. He said that while there are other Sam & Louie's in the city, they own this location only.

This matter was taken under advisement.

APPLICATION OF VINA MARKET I, LLC DBA VINA MARKET FOR A CLASS C LIQUOR LICENSE AT 611 NORTH 27TH STREET;
MANAGER APPLICATION OF PHONG T. NGUYEN FOR VINA MARKET I, LLC DBA VINA MARKET AT 611 NORTH 27TH STREET - Phong Nguyen, 611 N. 27th St., came forward to take oath and answer questions. He said Vina Market has been operating for 18 years and he is the new owner.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2014;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF THE DEPARTMENT OF LABOR FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 - David Landis, Urban Development Director, came forward representing the One Stop Career Center which operates in the Gold's Building. His department leases a total of 13,700 sq. ft. and subleases space to a number of partners. He said Goodwill rents 148 sq. ft. at a cost of \$1,900/annually and the State Dept. of Labor rents 6,000 sq. ft. for \$79,000/annually.

This matter was taken under advisement.

APPROVING A GROUND LEASE BETWEEN THE CITY OF LINCOLN AND ACTIVE LIVING CENTER CONDOMINIUM ASSOCIATION FOR THE LEASE OF THE ACTIVE LIVING CENTER AT 250 N. 21ST STREET FOR A 30 YEAR TERM;

APPROVING THE CONVEYANCE BY QUITCLAIM DEED OF UNIT 3 OF THE ACTIVE LIVING CENTER FROM THE CITY OF LINCOLN TO THE NEBRASKA TRAILS FOUNDATION ON PROPERTY LOCATED AT 250 N. 21ST STREET, SUITE 3 - Terry Genrich, Parks & Recreation Department, came forward to state these resolutions approve the lease agreement between the City and the condominium and transfer the title of the retail space to the Nebraska Trails Foundation. Their primary goal is to get the unleased retail space sold. He explained the criteria for the unit and the plan for its use as a restaurant/gathering place that fits with the mission of the Community Health Endowment.

Richard McGinnis, address not given, came forward to ask questions about the Trails Center. His questions related to financing, the execution of the quitclaim deed, the time factor of the ground lease, market value and definition of the Community Health Endowment as an agency.

Mr. Genrich said the condo sits on City property and was constructed with funds from Community Health Endowment, Nebraska Trails Foundation, Great Plains Trails Network, Union Plaza and some City dollars. He expressed the concern of trying to find the right tenant/owner for the area due to restrictions and its location.

Jocelyn Golden, Assistant City Attorney, came forward to answer questions. She clarified that the Community Health Endowment has separate funds but it is an agency of the City. She said any funds acquired from the sale or lease will go back to the City.

Lynn Johnson, Parks & Recreation Director, came forward to answer questions about the direction of funds.

This matter was taken under advisement.

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COMP. PLAN CONFORMANCE 12024 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD "THE WRAP PROJECT" FOR APPROXIMATELY 160 DWELLING UNITS AND A 1,600 STALL PARKING GARAGE ON PROPERTY GENERALLY LOCATED BETWEEN Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY;

COMP. PLAN CONFORMANCE 12023 - DECLARING APPROXIMATELY 0.20 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 18TH STREET AND Q STREET AS SURPLUS PROPERTY;

VACATION NO. 12011 - VACATING NORTH 18TH STREET BETWEEN Q AND R STREET; THE NORTH 4 FEET OF Q STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY; AND THE SOUTH 4 FEET OF R STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY - David Landis, Urban Development Director, came forward to explain the amendment and the boundary change. He described the project as being a garage for the University and housing wrapped around a portion of the building & above. The project is consistent with a number of Downtown Redevelopment goals & Comp-plan principles: it utilizes an undeveloped lot in a key location; it promotes additional housing choices; housing is within walking distance of places to work, learn, worship and recreate; it diminishes the prominence of the parking structure; it improves accessibility through multiple modes of transportation; it provides compact development; it uses land resources wisely, integrating environmental sustainability. Mr. Landis explained the tax situation. Property tax collection on a half million dollar base value will begin in year one when the redevelopment agreement is signed. At the end of the 15 years, the \$28 million of private sector investment will be fully taxed and available to all political subdivisions.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., Suite 1900, came forward representing America First Real Estate Group to make comments and answer questions. Mr. Huston identified the project in a step process. He said on January 14, Step 1 came before City Council designating the property as blighted and substandard; Step 2 includes the three items before Council today; Step 3 will be the redevelopment agreement appearing later this month or in early March. Mr. Huston said the purpose of vacating 18th Street will be to reconstruct it as a private drive allowing bus service. He clarified issues with the foundation or footings. Mr. Huston referred to the 2040 Comprehensive Plan that specifically encourages high-density development on the upper floors of multi-use parking structures. He said this project would not be occurring at this location without the use of tax-increment financing.

Council Member Camp inquired about the number of parking stalls in the facility and whether retail would be a part of Antelope Valley. Mr. Huston responded by stating that there will be a total of 1,610 parking stalls: the University will require ownership of 1,270 stalls as a part of their housing component and 340 stalls will be privately owned. Mr. Huston said their design has no retail as there is no market for it.

Council Member Camp expressed concern about 124 housing units being used as a student housing project. Mr. Landis said if it is student housing, it is being built with \$28 million of private sector money; furthermore, it is not a bad idea particularly if the marketplace will support it.

This matter was taken under advisement.

CHANGE OF ZONE 12037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT AND I-1 INDUSTRIAL DISTRICT; AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT, R-4 RESIDENTIAL DISTRICT, R-6 RESIDENTIAL DISTRICT, I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY BOUNDED BY CORNHUSKER HIGHWAY TO P STREET AND NORTH 10TH STREET TO NORTH 23RD STREET - Marvin Krout, Planning Director, came forward with the rezoning that relates to the previous three items. He said the block needs to be zoned to a private district to be used for a private purpose. Mr. Krout clarified other zoning issues in the area and discussed steps to resolve them.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 12003 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND CORNHUSKER HIGHWAY;

COMP. PLAN CONFORMANCE 12020 - APPROVING THE 1ST AND CORNHUSKER REDEVELOPMENT PLAN CONSISTING OF AN ESTIMATED 78 ACRES COMPRISED OF MOBILE HOME RESIDENTIAL LAND USE, GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, N. 4TH STREET, ADAMS STREET AND N. 1ST STREET;

APPROVING A DIRECTED ARTERIAL STREET IMPACT FEE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY AND ASCENTIA REAL ESTATE INVESTMENT COMPANY TO IDENTIFY DEVELOPER'S COST RESPONSIBILITIES REGARDING THE CONSTRUCTION OF THE ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS RELATED TO MIXED-USE DEVELOPMENT, INCLUDING AN APARTMENT COMPLEX, HOTEL, OFFICE SPACE AND RETAIL SPACE, GENERALLY LOCATED AT 1ST AND CORNHUSKER HIGHWAY;

CHANGE OF ZONE 12029 - APPLICATION OF COUNTRYSIDE MOBILE HOME PARK LLP AND LINCOLN MOBILE HOME PARKS LLP FOR A CHANGE OF ZONED FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT N. 1ST STREET AND CORNHUSKER HIGHWAY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW 391,100 SQ. FT. OF COMMERCIAL FLOOR AREA, A HOTEL AND 450 DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA - David Landis, Urban Development Director, came forward to present a redevelopment plan on 78 acres of land in the area of

1st and Cornhusker. He said the property owner needs his land to be ready to act upon to achieve values that are implicit. Mr. Landis condensed his request into three parts: 1) The Plan; 2) The Change of a Comp-plan Map; and 3) The Change of the Zoning Map.

Council Member Schimek shared her concerns for the current mobile home dwellers in the area and questioned if the redevelopment plan would include specific details regarding relocation. In response, Mr. Landis clarified relocation obligations under federal and state law. He said the City of Lincoln would have obligations only if it became a party to the project.

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, came forward to answer questions about his firm's involvement since 2011. He said the during the initial work with Planning Department and Public Works, two points became evident: to preserve drainage corridors for Watershed Management; and to identify traffic impacts & concerns.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., Suite 1900, came forward representing Ascentia Real Estate and its affiliates, Countryside Mobile Home Park & Lincoln Mobile Home Parks. While there are no plans at this time for development of the property, the site is uniquely positioned for a higher and better use. Mr. Huston clarified that there is ongoing communication with the English- & Spanish-speaking residents. The owner intends to continue operation as a mobile home park and has plans to place twenty additional mobile homes on the site. Mr. Huston said that his client knows that whether it is five, ten or twenty years away, a redevelopment agreement will embody a relocation plan which is necessary to be in full compliance with state and federal law. In response to zoning questions, Mr. Huston said the PUD which envisions 395,000 sq. ft. of commercial space, 450 dwelling units, plus a hotel were done for hypothetical uses only so that required traffic improvements could be calculated. In response to Council's concerns about residential relocation, Mr. Huston said relocation benefits payable by the redeveloper would be triggered if the redeveloper requests tax increment financing (TIF).

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 12022 - DECLARING APPROXIMATELY 1.56 ACRES OF PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET AS SURPLUS PROPERTY;
CHANGE OF ZONE 12039 - APPLICATION OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET;
APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY AND WILLARD COMMUNITY CENTER FOR PROPERTY GENERALLY LOCATED AT 1245 S. FOLSOM STREET - Nicole Fleck-Tooze, Parks & Recreation Department, came forward to explain changes for the Willard Community Center and the associated land. She said the Willard Community Center operates in a former school building that was built in 1918 and is owned by the City. The lease with the Center has been ongoing since 1984 and provides programs for youth & adults at this location. Ms. Fleck-Tooze said the City's Real Estate Division provided an opinion of the value of the property as a starting point. From there, various costs/expenses were subtracted from the base value. She clarified that if, in the future, Willard Community Center was interested in buying the parcel of land to the west, a separate agreement would allow that purchase.

Irene Williams, 3165 Mayflower Avenue, came forward as Board Chair for the Willard Community Center expressing appreciation to the City and sharing excitement to continue its services to a diverse population.

Janelle Soderling, Willard Community Center Director, came forward to explain the various programs & services for the neighborhood. She shared plans for renovations to the HVAC system, roof replacement, expansion of the pre-school to increase security and also to expand the senior area.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, PARKS AND RECREATION DEPARTMENT, AND THE NEBRASKA GAME AND PARKS COMMISSION FOR ENGINEERING SERVICES AND CONSTRUCTION IMPROVEMENTS TO BOWLING LAKE GENERALLY LOCATED AT N.W. 48TH STREET AND W. CUMING STREET - Lynn Johnson, Parks & Recreation Director, came forward to explain the ongoing partnership with the Nebraska Game & Parks Commission to enhance Bowling Lake as an urban fishery. He said there will be a development of two handicap accessible fishing piers located on either side of the walkway. He said Bowling Lake has no natural water source; hence, all the water in the lake is pumped out of a nearby creek. New valves will address pump repair down time and water level fluctuation will no longer be an aesthetic problem for Air Park residents.

This matter was taken under advisement.

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE CITYWIDE STREET RESURFACING PROJECT (STATE PROJECT NO. LCLC-5228(4), CN 13138, CITY PROJECT NO. 540022) - Thomas Shafer, Public Works & Utilities Department, came forward to discuss this summer's resurfacing project. He said the City would be reimbursed with 80% federal funds.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FOR THE 4TH QUARTER 2012 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF DECEMBER, 2012 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE TIME PERIOD SEPTEMBER - DECEMBER 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 28, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 4, 2013 AT 3:00 P.M. FOR THE APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 1133 Q STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87199 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 4, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar for a Class I liquor license located at 1133 Q Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, MARCH 4, 2013 AT 3:00 P.M. FOR THE APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 6100 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87200 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 4, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar for a Class I liquor license located at 6100 O Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, MARCH 4, 2013 AT 3:00 P.M. FOR THE APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 3951 N. 27TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87201 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 4, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar for a Class I liquor license located at 3951 N. 27th Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, MARCH 4, 2013 AT 3:00 P.M. FOR THE APPLICATION OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 3730 VILLAGE DRIVE - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87202 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 4, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555

S. 10th St., Lincoln, NE for the application of RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar for a Class I liquor license located at 3730 Village Drive.

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

Introduced by Eugene Carroll

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13005 to Special Permit No. 450P, Madonna Rehabilitation Hospital, approved by the Planning Director on January 31, 2013 requested by the Planning Department to correct the special permit number referenced in Resolution PC-00848 approved in March, 2004 on property generally located at 5401 South St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF TLD FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS IK LIQUOR LICENSE AT 1332 P STREET, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87203 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 TLD Foods, Inc. dba Sam & Louie's for a Class "IK" liquor license at 1332 P Street, Suite A, 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, Hinkley, Schimek; NAYS: None.

MANAGER APPLICATION OF PAUL A. JOHNSON FOR TLD FOODS, INC. DBA SAM & LOUIE'S AT 1332 P STREET, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87204 WHEREAS, TLD Foods Inc. dba Sam & Louie's located at 1332 P Street, Suite A, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Paul A. Johnson be named manager;

WHEREAS, Paul A. Johnson 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 Paul A. Johnson 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, Hinkley, Schimek; NAYS: None.

APPLICATION OF VINA MARKET I, LLC DBA VINA MARKET FOR A CLASS C LIQUOR LICENSE AT 611 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87205 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 Vina Market I, LLC dba Vina Market for a Class "I" liquor license at 611 North 27th 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, Hinkley, Schimek; NAYS: None.

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MANAGER APPLICATION OF PHONG T. NGUYEN FOR VINA MARKET I, LLC DBA VINA MARKET AT 611 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87206 WHEREAS, Vina Market I, LLC dba Vina Market located at 611 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Phong T. Nguyen be named manager;

WHEREAS, Phong T. Nguyen 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 Phong T. Nguyen 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, Hinkley, Schimek; NAYS: None.

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2014 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2014 whereby the City of Lincoln is subleasing space to Goodwill Industries to provide job training and employment services under the Workforce Investment Act, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF THE DEPARTMENT OF LABOR FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division, on behalf of the Nebraska Department of Labor, for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2013 whereby the City of Lincoln is subleasing space to the Nebraska Department of Labor to provide job training and employment services under the Workforce Investment Act, the second time.

APPROVING A GROUND LEASE BETWEEN THE CITY OF LINCOLN AND ACTIVE LIVING CENTER CONDOMINIUM ASSOCIATION FOR THE LEASE OF THE ACTIVE LIVING CENTER AT 250 N. 21ST STREET FOR A 30 YEAR TERM. (RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Ground Lease between the City of Lincoln and the Active Living Center Condominium Association for the lease of real property generally located at 250 North 21st Street, Lincoln, Nebraska, for use for the Active Living Center Building consisting of three condominium units for a period of 30 years, the second time.

APPROVING THE CONVEYANCE BY QUITCLAIM DEED OF UNIT 3 OF THE ACTIVE LIVING CENTER FROM THE CITY OF LINCOLN TO THE NEBRASKA TRAILS FOUNDATION ON PROPERTY LOCATED AT 250 N. 21ST STREET, SUITE 3. (RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25) - CLERK read an ordinance, introduced by Jon Camp, that pursuant to the Memorandum of Understanding authorized by Executive Order No. 84336 between the City of Lincoln, the Community Health Endowment and the Nebraska Trails Foundation Inc., to accomplish the construction and operation of a mixed use building known as the Active Living Center, generally located at 21st and Q Streets, the transfer of Unit 3 of the Active Living Center Condominium to Nebraska Trails Foundation Inc. is hereby authorized and approved and the Mayor is authorized to execute the Quitclaim Deed attached hereto for such transfer on behalf of the City of Lincoln, the second time.

COMP. PLAN CONFORMANCE 12024 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD "THE WRAP PROJECT" FOR APPROXIMATELY 160 DWELLING UNITS AND A 1,600 STALL PARKING GARAGE ON PROPERTY GENERALLY LOCATED BETWEEN Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13).

COMP. PLAN CONFORMANCE 12023 - DECLARING APPROXIMATELY 0.20 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 18TH STREET AND Q STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 0.20 acres of city owned property generally located at the northeast corner of North 18th Street and Q Street as surplus, the second time.

VACATION NO. 12011 - VACATING NORTH 18TH STREET BETWEEN Q AND R STREET; THE NORTH 4 FEET OF Q STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY; AND THE SOUTH 4 FEET OF R STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13) - CLERK

read an ordinance, introduced by Jon Camp, vacating North 18th Street between Q & R Streets; the north 4 feet of Q Street between North 18th Street and N. Antelope Valley Parkway; and the south 4 feet of R Street between North 18th Street and N. Antelope Valley Parkway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 12037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT AND I-1 INDUSTRIAL DISTRICT; AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT, R-4 RESIDENTIAL DISTRICT, R-6 RESIDENTIAL DISTRICT, I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY BOUNDED BY CORNHUSKER HIGHWAY TO P STREET AND NORTH 10TH STREET TO NORTH 23RD STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

COMP. PLAN AMENDMENT 12003 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13).

COMP. PLAN CONFORMANCE 12020 - APPROVING THE 1ST AND CORNHUSKER REDEVELOPMENT PLAN CONSISTING OF AN ESTIMATED 78 ACRES COMPRISED OF MOBILE HOME RESIDENTIAL LAND USE, GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, N. 4TH STREET, ADAMS STREET AND N. 1ST STREET. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13).

APPROVING A DIRECTED ARTERIAL STREET IMPACT FEE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY AND ASCENTIA REAL ESTATE INVESTMENT COMPANY TO IDENTIFY DEVELOPER'S COST RESPONSIBILITIES REGARDING THE CONSTRUCTION OF THE ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS RELATED TO MIXED-USE DEVELOPMENT, INCLUDING AN APARTMENT COMPLEX, HOTEL, OFFICE SPACE AND RETAIL SPACE, GENERALLY LOCATED AT 1ST AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13).

CHANGE OF ZONE 12029 - APPLICATION OF COUNTRYSIDE MOBILE HOME PARK LLP AND LINCOLN MOBILE HOME PARKS LLP FOR A CHANGE OF ZONED FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT N. 1ST STREET AND CORNHUSKER HIGHWAY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW 391,100 SQ. FT. OF COMMERCIAL FLOOR AREA, A HOTEL AND 450 DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 07.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

COMP. PLAN CONFORMANCE 12022 - DECLARING APPROXIMATELY 1.56 ACRES OF PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 1.56 acres of City owned property generally located at West B Street and South Folsom Street as surplus, the second time.

CHANGE OF ZONE 12039 - APPLICATION OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY AND WILLARD COMMUNITY CENTER FOR PROPERTY GENERALLY LOCATED AT 1245 S. FOLSOM STREET. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and Willard Community Center authorizing the sale of surplus property generally located at 1245 South Folsom Street, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, PARKS AND RECREATION DEPARTMENT, AND THE NEBRASKA GAME AND PARKS COMMISSION FOR ENGINEERING SERVICES AND CONSTRUCTION IMPROVEMENTS TO BOWLING LAKE GENERALLY LOCATED AT N.W. 48TH STREET AND W. CUMING STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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A-87207 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Interlocal Agreement between the City of Lincoln and the Nebraska Game and Parks Commission for engineering services and construction improvements to Bowling Lake generally located at N.W. 48th Street and W. Cuming Street for a 25 year term, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.
The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Lynn Johnson, Director of Parks and Recreation Department, for transmittal to the Nebraska Game and Parks Commission.
Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE CITYWIDE STREET RESURFACING PROJECT (STATE PROJECT NO. LCLC-5228(4), CN 13138, CITY PROJECT NO. 540022) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87208 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for the Citywide Street Resurfacing Project, Project No. LCLC-5228(4), CN 13138, City Project No. 540022, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copy of the Agreement to Holly Lionberger, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.
Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE AND REFUNDING BONDS, AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, being a Series Ordinance adopted under and pursuant to Ordinance No. 18774 authorizing the issuance of Solid Waste Management Revenue and Refunding Bonds, Series 2013, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$9,000,000 for the purposes of (A) providing for extensions, enlargements and improvements to the City's Solid Waste Management Facilities and (B) providing for the payment and redemption of the City's \$2,800,000 outstanding principal amount Solid Waste Management Revenue Bonds, Series 2006; fixing in part and providing for the fixing in part of the details of the Bonds; authorizing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents; taking other action in connection with the foregoing; and related matters, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.
The ordinance, being numbered **#19825**, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 10014A - APPLICATION OF UNION BANK TO AMEND THE NORTHWOODS PLAZA PLANNED UNIT DEVELOPMENT TO CHANGE THE NUMBER OF DWELLING UNITS FROM 80 TO 150 ON PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HOLDREGE STREET - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Northwoods Plaza Planned Unit Development to increase the number of multi-family dwelling units from 80 to 150, increasing the lot size of Lot 7 by adding in Lot 8, Lot 10 and a small portion of parking area in Outlot A to allow Lot 7 to be used for either 150 multi-family dwelling units or 79,000 sq. ft. of commercial use as an alternative to the previously approved use of Lot 7 for elderly housing or residential health care and relocating the hotel site to Lot 6 to allow Lot 6 to be used for an 86 room hotel or 24,000 sq. ft. of commercial use, on property generally located at North 84th Street and Holdrege Street, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hinkley, Schimek; NAYS: Emery.
The ordinance, being numbered **#19826**, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 12033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO REFORMAT CHAPTER 27.72 (HEIGHT AND LOT REGULATIONS) AND TO INCLUDE REGULATIONS THAT WERE NOT CARRIED OVER FROM CHAPTER 27.71 TO 27.72; TO PROVIDE CLARIFICATION AS TO HOW USES ARE REGULATED BY AMENDING CHAPTERS 27.02 DEFINITIONS, 27.06 USE GROUPS, 27.39 H-1 INTERSTATE COMMERCIAL DISTRICT, 27.62 CONDITIONAL USES, 27.63 SPECIAL PERMITS, 27.69 SIGNS, 27.72 HEIGHT AND LOT REGULATIONS (RELATED ITEMS: 13-5, 13R-29)(ACTION DATE: 2/11/13) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 13-5 in the following manner:
1. On page 21, line 29, correct a typographical error by deleting section number 26.67.066(a) and inserting in lieu thereof section number 27.67.066(a).

2. On page 61, between the lines 15 and 16, insert a new section 47 to read as follows:

"47. That Section 27.63.800 of the Lincoln Municipal Code be amended to read as follows:

27.63.800 Single-Family Dwellings.

Single-family dwellings which do not meet the minimum lot area, average lot width, or yard requirements in Table ~~27.15.080(a)~~ 27.72.020(a) may be allowed by special permit in the R-3 district under the conditions below:

(a) Such use shall be located on a lot inside the City of Lincoln's January 1, 2010 corporate limits.

(b) Minimum lot requirements. See Section ~~27.15.030(f)(2)~~ 27.72.150.

(c) There must be at least 22 contiguous feet of uninterrupted curb space abutting each lot measured along the face of the curb from the edge of the curb return to the lot line.

(d) Any garage door or doors facing the street shall not occupy more than 40% of the width of the building facade, except that the garage door or doors may occupy up to 60% of the width of the building facade if there is living area or a covered balcony above the majority of the garage. Notwithstanding the above, detached garages which are not considered a part of and are primarily located to the side of or behind the main structure are exempt from this requirement.

(e) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

(f) The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. The minimum glazed area of a window shall be five square feet."

3. Renumber the remaining sections as Sections 48 and 49.

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

CLERK Read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code (Zoning Ordinance) to reformat Chapter 27.72 (Height and Lot Regulations) and to include regulations that were not carried over from Chapter 27.71 to 27.72; to provide clarification as to how uses are regulated by amending Chapters 27.02 Definitions, 27.06 Use Groups, 27.39 H-1 Interstate Commercial District, 27.62 Conditional Uses, 27.63 Special Permits, 27.69 Signs, 27.72 Height and Lot Regulations, the third time.

SCHIMEK Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19827, is recorded in Ordinance Book #28, Page .

MISC. NO. 12018 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING CHAPTER 3.5 (LANDSCAPING AND SCREENING) TO PROVIDE CLARIFICATION REGARDING SCREENING REQUIREMENTS FOR MOTORIZED VEHICLE REPAIR AND SERVICE FACILITIES. (RELATED ITEMS: 13-5, 13R-29)(ACTION DATE: 2/11/13) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87209 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518, as amended; and

WHEREAS, an amendment to Section 7.11 of Chapter 3.50, Design Standards for Screening and Landscaping, is necessary to provide clarification that the screening requirements in areas outside a building used for storage and/or display of merchandise for service/ repair facilities and/or contractor services under Section 7.11 are applicable to Motorized Vehicle Service and Repair Facilities and for refuse areas; recycling bins; open storage; loading areas; and (f) ground level mechanical equipment associated with all uses.

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

That Section 7.11 of Chapter 3.50, Design Standards for Screening and Landscaping, adopted by the City Council on March 20, 2006 by Resolution No. A-83782 and amended on June 25, 2012 by Resolution No. A-86876, be and the same is hereby amended as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by DiAnna Schimek

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

CHANGE OF ZONE 12036 - APPLICATION OF KEVIN RHINEHART FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, DESIGNATING THE MYRON WHEELER HOUSE AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT 1717 D STREET - CLERK read an ordinance, introduced by DiAnna Schimek, accepting the application of Kevin Rhinehart for a change of zone from R-2 Residential District to R-2 Residential District with Landmark Overlay, designating the Myron Wheeler House as a Landmark, on property generally located at 1717 D Street, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19828, is recorded in Ordinance Book #28, Page .

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AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "PUBLIC WORKS AND UTILITIES ASSISTANT DIRECTOR" - PRIOR to reading:

COOK Moved to Delay Action on Bill No. 13-7 two weeks to February 25, 2013.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

CLERK Read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 19776 passed September 17, 2012, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Public Works and Utilities Assistant Director", the third time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 2 AND THE NORTH 5 FEET OF LOT 3, BLOCK 1, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 1621 NORTH 29TH STREET - CLERK read an ordinance, introduced by DiAnna Schimek, Approving a Real Estate Sales Agreement between the City of Lincoln and the Housing Authority of the City of Lincoln authorizing the sale of City owned property described as Lot 2 and the north 5 feet of Lot 3, Block 1, Gibbon's Addition, more commonly known as 1621 N. 29th Street, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: Camp.
The ordinance, being numbered #19829, is recorded in Ordinance Book #28, Page .

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN MEDICAL EDUCATIONAL PARTNERSHIP AND CITY OF LINCOLN, ON BEHALF OF THE LINCOLN POLICE DEPARTMENT FOR SPACE TO BE UTILIZED FOR THE SOUTHEAST TEAM SUBSTATION FOR ANEIGHT MONTH TERM - CLERK read an ordinance, introduced by DiAnna Schimek, accepting and approving a Lease Agreement between Lincoln Medical Educational Partnership and the City of Lincoln for a lease of space for a term of February 1, 2013 through September 30, 2013, for use by the Lincoln Police Department, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.
The ordinance, being numbered #19830, is recorded in Ordinance Book #28, Page .

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

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION ARENA BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING THE PINNACLE BANK ARENA AND RELATED FACILITIES AND IMPROVEMENTS; PLEDGING THE INCOME, PROCEEDS, AND REVENUE OF THE ARENA, APPROPRIATIONS FROM THE STATE OF NEBRASKA AND OTHER STATE SOURCES, AND OTHER AVAILABLE REVENUE, INCOME AND RECEIPTS OF THE CITY, INCLUDING CERTAIN SALES, USE, OCCUPATION AND/OR PROPERTY TAX REVENUE, FEES OR RECEIPTS SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS AS THEY BECOME DUE AND PAYABLE; AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Arena Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$25,000,000 (The "Bonds"), for the purpose of paying a portion of the costs of acquiring, constructing, equipping and furnishing a Sports/Entertainment Arena and related facilities and improvements (The "Project"); prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; pledging the income, proceeds, and revenue of the project, any state appropriations and sources, and available revenue, income, and receipts of the City, including certain City sales, use, occupation and/or property tax revenue, fees or receipts, in an amount sufficient to pay the principal of and the interest on said bonds as they become due and payable; and authorizing and approving certain other related matters, the first time.

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION STORMWATER BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND EXTENDING THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM, THE LEVYING OF A TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY TO PAY THE PRINCIPAL, PREMIUM AND INTEREST ON SUCH BONDS, AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Stormwater Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$7,900,000 (The "Bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's stormwater drainage and flood management system; prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; providing for the payment of the principal of and interest on the Bonds by the levy of a tax on all of the taxable property within the City; and authorizing and approving certain other related matters, the first time.

CHANGE OF ZONE 12021 - APPLICATION OF INTERSTATE LAND, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT TO ALLOW A CAMPGROUND, MULTI-FAMILY RESIDENTIAL AND ANY USE ALLOWED IN THE I-1 INDUSTRIAL DISTRICT ON THE UNDERLYING R-3 RESIDENTIAL ZONED AREA ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Eugene Carroll, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING THE MANOR OF LINCOLN DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN MANOR OF LINCOLN, INC. AND THE CITY OF LINCOLN TO LIMIT USES ON THE PROPERTY TO OFFICE, VETERINARY FACILITY AND THOSE B-1 USES ALSO ALLOWED IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET SHOULD THE PROPERTY BE RE-ZONED FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT. (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13)

CHANGE OF ZONE 12040 - APPLICATION OF MANOR OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13) - CLERK read an ordinance, introduced by Eugene Carroll, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND CONSTELLATION STUDIOS, LLC FOR THE LEASE OF CITY PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST AND O STREETS FOR A FIVE YEAR TERM WITH OPTIONS TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska and Constellation Studios, LLC for the lease of property generally located at the southwest corner of 21st and O streets for a five year term with options to renew said Lease for two additional five year terms, 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 GRANT WORKPLAN TO PROVIDE AN ADDITIONAL \$60,000.00 FOR THE REPLACEMENT OF THE HEALTH DEPARTMENT'S OZONE MONITOR AND EXPENSES RELATED TO SAID REPLACEMENT. (REQUEST TO PLACE ON CONSENT AGENDA FOR P.H. ON 2/25)

APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A \$19,000.00 GRANT FOR THE LITTER REDUCTION AND RECYCLING GRANT PROGRAM - KEEP LINCOLN - LANCASTER COUNTY BEAUTIFUL PROGRAM - CLEANUP ACTIVITIES, FOR A TERM OF JANUARY 1, 2013 THROUGH JUNE 30, 2014. (REQUEST TO PLACE ON CONSENT AGENDA FOR P.H. ON 2/25)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2013.

AMENDING THE 2012/2013 - 2017/2018 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A NEW PROJECT TO THE PUBLIC WORKS & UTILITIES/WATER TO INCLUDE THE DESIGN OF TWO HORIZONTAL WELLS, TWO WELL HOUSES AND RAW WATER PIPELINE AND TO INITIALLY CONSTRUCT ONE HORIZONTAL WELL, ONE WELL HOUSE AND RAW WATER PIPELINE IN LINCOLN'S WELL FIELD NEAR ASHLAND, NEBRASKA.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV, SECTION 19 OF THE CHARTER, RELATING TO GROUNDS FOR RECALL, TO CLARIFY THAT THE CITY COUNCIL SHALL FOLLOW PROCEDURES AS SET FORTH BY ORDINANCE FOR NOMINATING AND ELECTING A PERSON TO FILL A CITY COUNCIL VACANCY.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 OF THE CHARTER, RELATING TO CONTRACTS AND PURCHASES, TO PROHIBIT THE MAYOR, COUNCIL MEMBERS AND CITY DEPARTMENT HEADS FROM ENTERING INTO OR HAVING CONTRACTS WITH THE CITY, TO HARMONIZE PROCEDURES FOR VOIDING CONTRACTS WITH STATE LAW, AND TO GENDER NEUTRALIZE EXISTING LANGUAGE.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

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

Pastor Clip Higgins, Vine Congregational UCC Church, came forward to speak on street surface issues. He said the roadway leading to the People's City Mission is laden with potholes and in need of repair. Pastor Higgins urged City Council to move the street project forward.
This matter was taken under advisement.

Richard Hedrick, 404 Mormon Trail, came forward to share his complaints of city employees in positions of authority. He believes there should be laws to prevent unwarranted search warrants.
This matter was taken under advisement.

ADJOURNMENT 5:11 P.M.

CAMP Moved to adjourn the City Council meeting of February 11, 2013.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist