

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 7, 2003**

**Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for June 23, 2003.
- *2. Pre-Council Meeting Minutes - RE: Board of Equalization - June 23, 2003.
3. Pre-Council Meeting Minutes - RE: Lincoln City Libraries-Bennett Martin Public Library-Space Needs & Facility Study - June 9, 2003.
4. Pre-Council Meeting Minutes - RE: Infrastructure Financing Update - June 23, 2003.
5. Pre-Council Meeting Minutes - RE: FY2003 Action Plan - June 16, 2003.
6. Minutes of Director's Meeting for June 2, 2003.
7. Minutes of Director's Meeting for June 23, 2003.
8. Pre-Council Meeting Minutes - RE: Natural Gas Rate Process Review - June 16, 2003.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. RTSD Board Meeting (Cook/Friendt/Svoboda)
- *2. Joint Budget Committee - Budget Allocations Meeting (McRoy/Werner)
- *3. PRT Meeting (Newman)
- *4. Downtown Lincoln BID Association Meeting (Werner)
5. LPED Investors' Meeting (Camp) - **NO MEETINGS FOR JULY OR AUGUST**
6. AHNA Steering Committee Meeting (Friendt)
7. Internal Liquor Committee Meeting (McRoy/Newman/Svoboda)
8. DLA Parking Committee/Downtown Parking Marketing Report (Camp)
(See Attached Material)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting: - Please RSVP to Tera Pugh at 436-2355 or E-Mail:
 - A.) Mutual of Omaha/Rex Pruitt, 6940 "O" Street - Suite 205, on Tuesday, July 15, 2003 at 3:30 p.m.

VI. MISCELLANEOUS

- *1. Discussion on Open 'Mic' and other Meeting Policies.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM JUNE 30, 2003.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 7, 2003
CONFERENCE ROOM 113

Council Members Present: Jon Camp, Chair; Terry Werner, Vice-Chair; Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda; *ABSENT:* None

Others Present: Mark Bowen, Corri Kieilty, Mayor's Office; Dana Roper, John McQuinn, City Attorney's Office; Mike Merwick, Director of Building and Safety; REOMA representatives; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

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Chair Jon Camp requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes, as presented. The motion was seconded by Patte Newman and the minutes were approved as presented by unanimous consensus of the Council.

After approving the minutes, Chair Camp asked that Mike Merwick, Director of Building and Safety Department and John McQuinn, Chief City Prosecutor, come forward for an unscheduled Status Report on the issue of the Building and Safety Department's policy on inspections by warrant. Mr. McQuinn explained that he had become involved in the policy issue as the Deputy City Attorney responsible for drafting the inspection warrants when such a warrant is needed by the Building and Safety Department. Mr. McQuinn further explained that he had been asked to comment on the draft of an ordinance that would require an inspection warrant to use a probable cause standard, which under the law is the highest standard. It is the same standard that is required for a search warrant to be issued. At the present time, for inspection warrants, the standard is that there must be "reasonable grounds" for Building and Safety to believe that there may be a violation. That is the current State Statute requirement....the requirement that we need to fulfill for judicial review. These inspection warrants are reviewed by the Lancaster County Court Judge. "Probable Cause" would raise the evidentiary bar significantly and would be, in Mr. McQuinn's view, a disservice to the community and to Building and Safety, because it would require significantly more evidence of a violation. The difficulty with that is that Building and Safety would have to have acquired a lot more evidence of

a violation before they could get an inspection warrant. That evidence is tremendously difficult to come by. Unless someone wishing to report a violation is lucky enough to hit upon the “magic language” in the minimum housing code, the way the ordinance was drafted, it would make it tremendously difficult for Building and Safety to get an inspection warrant. This would be a disservice to tenants, because under the Residential Landlord/Tenant Act, the State Statute requires that landlords provide tenants with housing that meets minimum housing code standards. So public policy in Nebraska is “housing that meets minimum housing code standards” As Mr. Quinn understands B&S’s inspections, that is what they inspect for - minimum housing code standards.

He continued, noting that he understands the concerns that property owners have and also understands the privacy concerns of the tenants. He added that Margaret Blatchford from the City Attorney’s office has been working in conjunction with the Nebraska Civil Liberties Union on a policy or procedure that will take both those concerns into account by getting consent from the residents.

Mr. Merwick reported that he’d been working on this concern from the standpoint of people who own property. He stated that they have met with legal counsel from the other side and discussed this issue with them. Of course, each side has a different opinion of what the laws mean. Ms. Blatchford felt that instead of multiple law suits wherein everyone sues everyone, everybody should try to arrive at something that everybody can live with. She has worked up another ordinance and has satisfied the Civil Liberties Union. Mr. Merwick stated that they are now prepared to present this information to the Council to judge what has been accomplished.

He explained that the process had actually begun with 1976 and older units because many conversions had taken place during that time period in the apartment business. We’ve been inspecting these older units of which there are about 1600. We’ve done about 500 and out of those 500, we’ve had about ten landlords refuse us entrance. So, we just set those aside. In the ones that we’ve inspected, we have found numerous violations. But, we’ve stopped doing interior inspections until this issue has been resolved. We haven’t done any interior inspections for the past month or month-and-a-half. We’ve just been working on putting together some language that will be sufficient to get this thing back on track.

Mr. Camp commented that in the time-line here after our summer budget meetings, we will set up a Pre-Council to get more information together to see where we are. Discussion continued with Council Members asking questions (including the difference between reasonable grounds and probable cause) that will undoubtedly be covered at the time of the Pre-Council where Council Members can give their input as to what they might believe would be the best policy for the City to adopt on this issue. Mr. Camp asked Council Members if they would allow a REOMA representative to speak at the Pre-Council, (even though we normally don’t have the private sector speak at a pre-council), since this will be a fact-finding meeting. Council agreed that a representative from REOMA could be on hand to answer any questions that Council might have - in order to give a balanced presentation on this issue.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -

*1. RTSD (Cook/Friendt/Svoboda) Mr. Svoboda announced that Glenn was the new chairman of the RTSD and Ms. Schorr had been nominated as the new Vice-Chair. Mr. Friendt reported that they had approved the budget for next year. They had also approved the audit and accounting services to be retained with the firm that has been doing it. We also

approved to retain the current legal counsel. Mr. Camp asked if the RTSD would be reducing their levy? Mr. Friendt indicated that they would come back and talk about that further. He stated that the levy would not be reduced, but kept the same. Mr. Cook noted that the County Board actually sets that levy. Mr. Friendt stated that the recommendation to staff would be to maintain the levy at the current level; which would give us a little cushion on Capital Improvement Projects which ought to be completed.

*2. JOINT BUDGET COMMITTEE - Budget Allocations Meeting (McRoy/Werner) Ms. McRoy had not attended the meeting due to schedule conflicts. Mr. Werner stated that he had been at the meeting for a half-hour due to the same pre-council schedule conflict. He noted that this had been his first meeting. He explained that the procedure is just like a budget hearing with the Committee going through the requests and each member was assigned a section to review for the group.

*3. PRT (Newman) Mr. Newman reported that there had been a couple of properties added and some removed. Ms. Newman added that, after giving a glowing report last week, and being told to tone it down, she decided to make this report quiet succinct.

*4. DOWNTOWN LINCOLN BID ASSOCIATION (Werner) Mr. Werner did not attend this meeting because it was on Infrastructure Financing and everyone here knows about that issue. The DLA voted to support the Mayor's Plan.

5. LPED INVESTORS' MEETING (Camp) - *No Meetings for July or August*

6. AHNA STEERING COMMITTEE (Friendt) Mr. Friendt explained the acronym: (Affordable Housing Neighborhood Association). He noted that the steering committee had met and addressed some over-all issues that had to do with the pace that this was unfolding and the fact that in that process, we were seeing a drop-off in attendance at the meetings of both the sub-committees and the steering committee levels. We are committed to getting a plan of action made available by December of this year.

The change in process will be a request of staff to summarize and distill the information of where we are now through the month of July and August. They will be prepared in the month of September to have the different work groups react to where we are now...making any adjustments or changes that might be necessary. The Steering Committee will then meet in September and October. Hopefully, we'll have a plan ready by November.

Mr. Friendt continued, noting that some of the problem with the length of this process and the differing attendance at meetings was also due, a little, to the lack of minutes and each work committee would have to start over each time to redefine what the problem was and what the definition of "affordable housing" was. This is now more focused. There will also be a rental sub-committee and a home-owners sub-committee combined because it was determined that those two groups should be working together.

7. INTERNAL LIQUOR COMMITTEE (McRoy/Newman/Svoboda) - Ms. McRoy reported that Mr. Svoboda was elected the new chair. Mr. Svoboda added that Ms. Newman was the new Council representative, replacing Mr. Werner. We just received our standard reports from Jim Baird on Cornhusker Place. He indicated that we're still having one bar downtown that has traditionally led the pack in admissions to the Cornhusker Place facility. Monthly, this one establishment is heads and shoulders above all the other bars. This has been on-going since they opened nearly two years ago, and there is really very little that we can do about it. We continue to review the different violations. Officer Fosler gave his monthly report on those who were receiving violations and whether they were kept in-house, or were forwarded to the Liquor Control Commission. This establishment has violations going to the Liquor Control Commission on a pretty regular basis, though they are usually fairly minor. That was about the extent of the meeting...the struggle goes on.

We did have one victory. The Court did uphold one case which had been appealed. Mr. Camp encouraged the ILC members to continue to lead the charge. Mr. Svoboda asked if the Council Members would like to receive the spread-sheet reports the ILC Committee Members receive each month. It was agreed that all would appreciate such information. Mr. Roper indicated that he would check into the privacy issues and let Joan Ross know if distribution of that information was permissible.

8. DLA PARKING COMMITTEE/DOWNTOWN PARKING MARKETING REPORT (Camp) Mr. Camp explained that he had placed information on this in the Council Members' packets. He noted that DLA has a parking committee. He wanted Council to be aware of the media promotion of the 23,000 parking spaces that are available downtown (legal spaces from which vehicles will not be towed). The DLA is putting on a fairly large campaign to let people know. There will be an eventual coordination of the parking facilities so if one garage is full, it will alert motorists to go elsewhere. For the economic vitality of downtown Lincoln, he wanted the Council Members to be aware of the committee's campaign and goals. It will include the Haymarket shuttle and quadrant bike centers, as well.

OTHER MEETINGS - Ms. McRoy reported that the Center Team had their meeting last Thursday morning. She wanted to let Council Members know about the program "Free to Grow" which is a joint project of Neighborhood, Inc., LPD, and the Lincoln Action Program. It targets the census tract neighborhood. Capt. Citta gave Ms. McRoy an over-view of the program last week. It seems to be a pretty good program. They've received a federal grant to help administer it.

Mr. Friendt asked exactly what the program was. Ms. McRoy explained that "Free to Grow" is targeting the Clinton Neighborhood. They've mapped out homeowners and renters, then they have three operating specialists who go door-to-door, talking to families, helping them to get involved in the neighborhood association. The specialists are also looking for problems that families might have that would require assistance or resources within the City that already exist for help. They will be working to improve the housing stock. The Police Department's role is to help reduce crime and domestic violence. The Police Department has a national speaker coming in January. This is a federally funded pilot program. [The results may initiate other such programs nationally.]

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen passed out the monthly EMS report to Council. There was a brief discussion on the report, and its showing figures on a cash basis as opposed to an accrual report. The accrual report will be forthcoming at a later date..

Mr. Bowen outlined the procedure to be followed for the Mayor's State of the City address to be delivered at the formal Council Meeting today, noting that it would be done as it has been in the past. He did announce that there would be refreshments upstairs after the address if Council would like to take a brief break to attend. Council determined that it would be better for them to continue the meeting on schedule.

Mr. Bowen announced that the legislation is being prepared right now on the occupation tax. It does primarily focus on gasoline. They are also trying to work on provisions of excluding contract, fields and off-road and over the highway fuels. As that gets more finalized, the Administration will talk to Council to make sure you are aware of how things are progressing. If you have questions, please give us a call. That holds true for any questions you might have on the budget as well.

Mr. Bowen stated that he would give council members informal updates on negotiations and personnel costs on an individual basis.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

- *1. Discussion on Open 'Mic' and other Meeting Policies. - Discussed briefly with no final decision but to see what might happen within the next few weeks of meetings.

FROM ADDENDUM:

1. Discussion/Approval of the Proposed Configuration for New Joint Reception Area. This was discussed briefly. Mr. Camp indicated that the two person workplace was designed to allow interns to work in the area as well as the joint-position person. Mr. Camp added that there would be four interns coming soon. Council, after reviewing the designed configuration, determined that the conference table shown should be removed. It did not seem to be an appropriate spot for a meeting location. Ms. McRoy asked for a reading area in its place with a rack in which to place City documents such as agendas or Departmental reports for the public. Mr. Camp stated that he would deliver the Council's suggestions to the PBC for inclusion in the final design.

Mr. Camp asked Staff about the work area configuration. Ms. Ray pointed out that the ideas discussed at the initial meetings on the joint position had not been incorporated into the design - such as the copier, the printer & scanner located in the work area in order to allow the receptionist to handle those duties and still be able to be at the reception area for front desk and phone duties.

Discussion continued briefly with the final thought that the Public Building Commission would note, and hopefully, address these concerns.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

CORRI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12: 55 p.m.

cm070703/jvr