

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 18, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of August 4, 2003.
- *2. Minutes from the Director's Meeting of August 4, 2003.
- 3. Pre-Council Meeting Minutes - RE: 84th Street - August 4, 2003.
- 4. Pre-Council Meeting Minutes - RE: Tentative Changes To Recommended Mayor's Budget - July 28, 2003.

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

- *1. Public Building Commission Meeting (Camp/Cook)
- *2. Officials Committee Meeting (Camp)
- *3. Parks & Recreation Advisory Board Meeting (Cook)
- *4. Community Development Task Force Meeting (Friendt) - **CANCELLED FOR AUGUST 7TH**
- 5. ISPC Meeting (Camp)
- 6. Board of Health Meeting (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- *1. The purpose of this letter is to remind you that the three-year terms of the following members of the Board of Trustees of the Community Health Endowment will expire on August 31, 2003: Christi Chaves, Vice-President; Janet Coleman, Chair, Funding Committee; Marty Ramirez, PhD, Member, Administration Committee (they would be pleased to accept a mayoral appointment to serve an additional, three-year term); Glory Meakin, DDS, Member, Administration Committee (she does not intend to seek another three-year appointment). Each of these individuals is eligible to be re-appointed, at your discretion and with City Council confirmation, to serve an additional three-year term. (See Attached Letter)

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. A Nebraska Tax Research Council Conference - A Conference Dealing with The Realities of One Taxing Question After Another - Don't Miss the NTRC Conference on Property, Sales and Other Questions Dealing With Tax Administration and Policy Issues on Tuesday, September 16, 2003 at The Cornhusker Hotel - (476-27-69)(See Invitation for more details)
2. You are invited to attend a presentation on the final building design for Lincoln's Downtown Entertainment Center. At this presentation you will have the opportunity to view the plans that have been developed for the external facade of the Entertainment Center and learn about the project implementation timeline. You are invited to attend either of two presentations: The one hour presentations will be held at 8:00 a.m. and 12:00 p.m. (Noon) on Monday, August 18, 2003. Both presentations will be held at Energy Square in the first floor Southeast Community College Board Room. (See Invitation)
3. The 2003 DLA Annual Meeting and Awards Ceremony - This year's event will be held on Thursday, October 16, 2003 at the Embassy Suites. (See Letter)
4. The owners and staff of the former Flatwater Grill cordially invite you and a guest to attend a pre-opening VIP party for the newly remodeled Flatwater Fresh Express Café. We invite you to enjoy an evening of free dining prior to the public opening on Friday, August 22, 2003 at 5:00 p.m., 14th & "P" Streets - (See Invitation)
5. The Board of Trustees of Congregation B'nai Jeshurun requests the honor of your presence at the installation ceremony for Rabbi Debbie Stiel during Friday evening worship on Friday, August 29, 2003 at 7:45 p.m. at the South Street Temple, 2061 South 20th Street - Rabbi Aryeh Azriel of Temple Israel, Omaha, will officiate the installation and give the sermon. (See Invitation)

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM AUGUST 11, 2003.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 18, 2003
CONFERENCE ROOM 113

REVISED

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

Others Present: Ann Harrell, Corri Kielty, Mayor's Office; Dana Roper, City Attorney; Don Herz, Finance Director; Steve Hubka, Budget Officer; Tammy Grammer, Council Staff;; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, *Lincoln Journal Star* representative

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of August 4, 2003.
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Chair Camp requested a motion to approve the above-listed minutes. Ken Svoboda moved to approve the minutes as presented. The motion was seconded by Annette McRoy and the minutes were approved as presented by the following vote: **AYES:** Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda, Terry Werner; **NAYS:** None.

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

- *1. **PUBLIC BUILDING COMMISSION (Camp/Cook)** Mr. Cook reported that the current Chair and Vice-Chair had been re-elected (Larry Hudkins and Linda Wilson). There was a presentation from the Health Department on their Master Plan. They showed all the plans that had been presented to the neighborhoods at an open house, as well as the feed-back from that meeting. There was a clearly preferred option. What we don't know yet are all the costs of the various options. We asked that before they go out for another neighborhood meeting, they know those things, because the last thing we want to do is ask the neighborhood for their preferred choice, have them invested in that choice and then say "oh - we're sorry, we can't afford that option." So, they're going to have that information before the next meeting.

The vacated office space was a major issue for discussion. The State has cancelled their contract with us. It was to have gone three more years and we lose approximately \$150,000 per year by not having this contract. They utilized a little-used provision that the City includes in our contracts with the State which allows that, if they don't have funding, they can cancel the contract. But at the same time, they're putting out an RFP for some other department looking for other office space. This sets a really bad precedent; we spend money setting up the space so they can use it with the idea that they will be there for a certain

number of years and then they cancel. This was in the 233 Building (Old Police Department Building). So some of the Public Building Commission are going to sit down with Lori McClurg and other folks at the State to discuss this issue. At the very least, we cannot afford to do this again. We will have to revise the contract to indicate that if they leave early, they will have to reimburse us for the expenses that we've incurred by setting up the space for them. We just can't afford to take a chance anymore. This just shows they don't worry too much about that [contractual obligation]. Mr. Cook hoped the issue could be resolved somehow.

Mr. Camp noted that the Lincoln Building had some damage to the roof and they're still working on that. The Senior Center suffered damage when they were doing renovation to the Lincoln Building, so that's gone on to the insurance carrier who wants to reimburse only 70%.

There was a memo sent to encourage employees to have personal mail delivered elsewhere. The Commission denied a Girl Scout sale in the County-City lobby.

Mr. Camp asked if there were questions on the Health Department options. He explained the layout of the proposed renovations.

Mr. Werner asked if the Public Building Commission was going to lower their tax rate. Mr. Cook and Mr. Camp answered, in unison - "No". Mr. Cook continued, noting that it was his understanding that, regarding the tax rate, the bond covenants actually require the City to keep it at the maximum level until such time as we don't need that to pay off the bonds.

Essentially, what has happened, because of the re-evaluation and the additional money collected, though we are required to have the rate that high, we will be asking the City and County for less money -or no money- to subsidize repayment of the bonds. So, City and County save money. The Public Building Commission is collecting more. This shouldn't actually burden the taxpayers additionally.

Mr. Svoboda noted [regarding the Health Department options] that the City is potentially buying two residential properties, though now, that is understandably put on hold. Now one of the considerations is going back to one of the original options which was buying the commercial property frontage along "O" Street and expanding to the North instead of the South. He noted that it still bothers him that the City is going out and buying additional land when we have a fairly unused portion of the Woods Park right next door.

Mr. Cook answered that the portion of Woods Park might be used for parking, while expanding the building towards "O" Street. He noted that the neighbors seem okay with that, but are concerned about continued intrusion into the neighborhood with more traffic and tearing down homes in the neighborhood. Mr. Svoboda stated that he had a problem with buying those homes and then buying the commercial property. That portion of the park directly to the east is very unused and we should be looking at that area for the expansion instead of buying up more land....especially under the considerations that we have today with budgets. But, we'll continue to have that conversation.

The date & materials for the upcoming public hearing on this issue were discussed.

*2. OFFICIALS COMMITTEE MEETING (Camp) Mr. Camp reported that they had discussed transportation projects with the County. This is just an annual meeting where a summary of past materials and events and recommendations are reviewed.

*3. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that there will be a special promotion with the Golf Committee. The program is "10,000 Rounds in 10 Days", which seemed to Mr. Cook a pretty optimistic number. Ms. McRoy noted that they had started advertising the event in the Sunday paper.

The second item is the land exchange at Peter Pan Park. The City owns the rail trail corridor between 30th and 33rd Streets. The rail line doesn't run beyond that. We have never built a trail there....we built it through Peter Pan Park, so it is unlikely that we'll ever use this railroad corridor in the future. It doesn't make a lot of sense for rail banking because no one will ever come back and put in a line that just ends at 33rd Street. So, we're going to ask for permission to sell that or trade it for some land which is next to the corridor, so we can have a parking lot for the Park. They're putting a soccer field in there and there will be a need for more parking. This land would then go to the person who is developing the land he owns right along the corridor. He'll then have enough width to put into place low-income housing along the Park.. He'll provide a private road to serve the low income duplexes all the way along....which look very attractive, by the way. That private road will lead to the parking lot at 33rd and we'll also have a road from 30th Street.

Mr. Cook continued his report, stating that the Futures Committee discussed infrastructure Financing. The Holmes Lake renovation is going on as scheduled. The trees were removed without any great fanfare. People have accepted that that is a part of the project which must be done.

The Sunken Gardens event went well. The Tour de Lincoln bike placement options are being discussed. They're trying to find a way to sell them, while keeping them in certain locations for longer term placements. The trouble is they were designed to last three months, not three years. They weren't designed to be permanent outdoor art. So the committee will have to work on that.

Ms. McRoy asked if the City was going to buy a bicycle noting that some people wanted to buy one for the City. Is the City going to bid on any one of the bikes? Mr. Cook responded that he did not know. * ~~Ms. Newman~~ *It was noted* that **no one* was aware of the City spending tax dollars on any of the bikes. Mr. Roper reported that there had been an early discussion about people who wanted to donate to the City so bikes could be purchased for the City. But the City would not be buying them with tax money. Ms. Harrell noted that if someone buys a bike and donates it to the City, the Parks Department is trying to be prepared so if people choose to buy a bike and donate it to the City, there will be suitable locations for more permanent installation. Ms. McRoy asked if these donations were made, would maintenance be included in the donation agreement? Who would fix them? The article lead the reader to believe that the City would be responsible. Mr. Cook indicated that that would not be the case.

Mr. Cook reported that the Stransky Park Dedication would be October 5th; the Sunken Gardens's Benefit Brunch is scheduled for September 14th at 11:00 a.m. and there will be a Garden Party at the Sunken Gardens on September 28th at 2:00 p.m.

*4. COMMUNITY DEVELOPMENT TASK FORCE (Friendt) - CANCELLED FOR AUGUST 7TH

***Carried Over from August 11, 2003**

5. ISPC (Camp) - No Report

6. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that there had only been a few minor “housekeeping” changes to the food handlers and food permits ordinances. The one point of major discussion was the draft of the clean indoor air (anti-smoking) ordinance. The consensus of discussion was that it had to be universal. It had to cover all businesses. There was also a great deal of discussion on an issue that the City Attorney’s office will review. This was the distance limit on where smoking would be allowed outside of any property or building. The current draft indicates a smoking ban within 10 feet of the perimeter of the building. Originally it had been 25 feet, which would pretty much put someone in the middle of “O” Street at a downtown bar. That would prohibit anyone from walking down “O” Street and smoking....so there are some changes being made. There had been discussion on how to include a beer garden or a sidewalk café which are both virtually outside of the property perimeter. Some felt that it should be universal so that the effect will cover everyone, with no advantage given to any group.

There will be a number of public hearings and forums....some of which will be taking place as early as the end of August. They’ll all be the same week. We haven’t heard from any of the business groups on their views. The issue probably won’t come before the Council before the end of September or early October.

~~*Ms. Newman~~ *Ms. Kielty* explained that the point of the 10 foot rule was to keep the smoke from being vented back into the building. It has been a difficult issue all around the country - trying to find an equitable way to handle it. Mr. Svoboda explained that the 10 foot rule would likely be eliminated from the final draft as it would prohibit someone from just walking down the street and smoking.

OTHER MEETINGS - None

III. APPOINTMENTS/REAPPOINTMENTS -

*1. *The three-year terms of the following members of the Board of Trustees of the Community Health Endowment will expire on August 31, 2003: Christi Chaves, Vice-President; Janet Coleman, Chair, Funding Committee; Marty Ramirez, PhD, Member, Administration Committee (they would be pleased to accept a mayoral appointment to serve an additional, three-year term); Glory Meakin, DDS, Member, Administration Committee (she does not intend to seek another three-year appointment). Each of these individuals is eligible to be re-appointed, at your discretion and with City Council confirmation, to serve an additional three-year term.* - Ms. Kielty stated that if any Council Members had names to submit for consideration she was working with Lori on this. The Mayor is fine with everyone that would like to be reappointed. She would make those reappointments. We do have time, however, to consider any names Council Members might want to submit.

Mr. Friendt asked about appointments for the Planning Commission. He noted that there were three slots coming up. He asked if the three members whose terms were up were all willing to be reappointed. Ms. Kielty stated that her understanding was that Gregg did not want to be reappointed. The Mayor is interested in having someone from the business sector being appointed and has been talking with several people who are interested. The other two members are interested in continuing to serve and the Mayor is considering that.

- IV. REQUESTS OF COUNCIL FROM MAYOR - None
- V. MEETINGS/INVITATIONS - Noted Without Significant Comment
- VI. MISCELLANEOUS - None
- 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 - Mr. Svoboda brought forward for discussion the letter that he had sent to the Council Members regarding the Discretionary Funds. He commented that he would like to have some discussion on that, or not, as to whether it is anyone's wish to reconsider that for this week. He noted that it would be difficult for him to serve his constituents if he did not have staff on hand. Mr. Friendt indicated that he would like to discuss it. He felt the majority would have to decide.

Council Members discussed the issue, again, at great length. Mr. Roper explained that it would not be handled as a reconsideration, but as an amendment to the Budget. Mr. Hubka stated that the Budget Resolution was being prepared based on the last vote Council had taken at the Wednesday's Budget Meeting. He noted that the Council had the right to amend the resolution at the time it is considered. This item effects relatively few line items. (Equipment & 911 and Miscellaneous Other Services for Council) It doesn't effect the total of the budget or tax rates, so as far as last minute amendments, this would be one that could be dealt with very easily.

A final determination was made to have any further discussion in the public forum during the Budget Vote on August 25th.

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

CORRI KIELTY - No Further Comments

DANA ROPER - No Further Comments

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