

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 25, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Council Members' "Noon" Meeting of August 18, 2003.
2. Pre-Council Meeting Minutes - Executive Session - RE: Litigation - August 18, 2003.

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

1. Homeless Coalition Meeting (Newman)
2. Citizen's Meeting (Newman)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. The State Of Nebraska and The City Of Lincoln invite you to a Commemoration Ceremony in Honor of the 40TH Anniversary of the Historic 1963 March on Washington - on Saturday, August 23, 2003 at the State Capitol Rotunda from 11:00 a.m. to 12:00 p.m. (Noon) - Special Guests include Governor Johanns, Mayor Seng, the Newman United Methodist Church Choir, & others. Public is invited. (See Invitation)
2. E-Mail Invitation from Susan Larson Rodenburg, SLR Communications - We need 100 volunteers to help this Saturday, August 23, 2003 from 7:00 a.m. to Noon at the KFOR Victory Garden Sale, at Campbell's Nursery on South 40th Street. KFOR's Phil Walker will run on-air live remotes about the Sunken Gardens all morning. Please let me know if you can come. (See Invitation)

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

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MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 25, 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, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Chief Casady, Police Department; Joan Ross, City Clerk; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, Lincoln *Journal Star* representative

Prior to the Normal Agenda Issues being addressed, the Council Chair called Police Chief Tom Casady forward to speak on the issue of security in the Council Chambers. Chief Casady explained that the Council rules dictate that the Police Chief or his/her designee functions as the Sergeant at Arms at Council Meetings. He noted that, generally, Russ Fosler, as the Liquor and Vice Investigator (who is sometimes called upon for testimony on liquor issues) is that designee.

Chief Casady, after noting the various comfort levels of Council Members with verbally abusive or belligerent constituents, observed that the City Clerk and her staff are right at the front line of that abuse. Chief Casady believed that Council should have some cue which the Chair could relay when they believe someone is being out of line to the point of needing intervention by the police officer on duty at the meeting. Council agreed that staff should not be subjected to abusive behavior and determined that the Chair should gavel offending speakers down and, if necessary, call the Sergeant at Arms forward to escort that person from the Chambers.

Ms. McRoy explained that she had noticed at the last public hearing how several speakers had come forward in anger to confront the City Clerk. Chief Casady stated that that is the reason he recommends that police officers be in attendance at the meeting and recommended that Council signal when they believe police intervention is needed. All Council Members agreed Officer Fosler is very good at handling all situations that have arisen and suggested that he advise those who are substituting during his absence on his procedures.

Ms. Ross asked if it would be seen as overly aggressive to have the police officers be seated at the side-bar during the public hearings rather than being positioned at the back of the Chambers. It was determined after a lengthy discussion that having the officer in the rear of the room would be give him a better over-view of the room for better protection. Chief Casady noted that in prior years, the officer had been in plain clothes, but about four years ago, it was agreed that a uniformed officer would be a stronger deterrent to possible violence than having the officer in plain clothes.

Chief Casady guaranteed that any police officer would intervene without any prompting if he/she sees something that the officer might sense to be dangerous. But when a citizen is getting a little bit excited in their presentation, most officers would not feel it necessary to respond.

Mr. Friendt asked if it was even necessary to tie up a police officer for that Sergeant at Arms duty. Chief Casady explained that the Liquor and Vice Officer has a natural tie-in when liquor concerns are being addressed on the Agenda. He believed that it is good to have a police presence

at the meetings, because it has become a necessity; it is good that the officer be in uniform; there should be just the right level of presence, so the people are not intimidated, but security is offered. He felt the back of the room would be a good position for the officer to be stationed. If the Council wished to have the officers brought forward to the side-bar that could be done.

After further discussion it was determined that the Chair should be responsible for cuing the officer and that the uniformed officer be posted at the rear of the Chambers to give him/her a good over-view of the proceedings and a better access to the other areas in use during a meeting.

Mr. Friendt asked if there were a way to put a citizen on "probation" and not allow an appearance before the Council until that person could behave in a civil manner. Ms. McRoy stated that she had used that tact, informally, when she had been chair, requesting Officer Fosler to notify an offending citizen that she did not want to see him at a meeting for a couple of weeks, until he could behave. Chief Casady stated that there are a couple of potential charges that could be pressed when someone is acting in a very abusive way (i.e. disturbing the peace or obstructing government operations). These should be reserved for really extreme situations, however. People have been physically escorted from the Chambers in the past and we would do that if we saw someone committing a clear-cut violation of the law. If someone is being rude and obnoxious, the Chair needs to gavel them out of order and if the behavior continues, upon the cue from the Chair, we'll remove them from the Chambers.

Upon Council's agreement that civility should be enforced, Chief Casady commented that when it gets to the point when Council wants that civility enforced by the police, give them the cue and they will do it.

I MINUTES

1. Minutes from Council Members' "Noon" Meeting of August 18, 2003.
2. Pre-Council Meeting Minutes - Executive Session - RE: Litigation - August 18, 2003.

Chair Camp requested a motion to approve the above-listed minutes. Ken Svoboda moved to approve the minutes as presented Ms. Patte Newman stated that in the "Noon" Minutes of August 18th, there were two quotes attributed to her that had been made by others: at Page 3, Last Paragraph regarding the issue of tax funding being used on the Tour de Lincoln bicycle sale; and at Page 4, No. 6, Paragraph 3 regarding the '10 foot rule' on the smoking ordinance. She requested that the minutes be amended to indicate the appropriate source for those statements. The motion, with amendments, were seconded by Glenn Friendt and the minutes were approved as amended by general consensus of the Council.

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

1. HOMELESS COALITION (Newman) Ms. Newman reported that they're renovating Matt Talbot. They now have space for 80 persons and they're going to expand it to 140. The down side of this project is that they can't do child care at this time. They held their Vision Clinic and served about 24 kids which was considered a success.

Cedars is, on November 6th, doing a run-aways, homeless youth conference. Friendship Home and St. Monica's have a joint project for sheltering families in domestic abuse and substances situations. Peoples City Mission is averaging between 100-115 people per night.

Mr. Werner asked if the Gathering Place had been discussed? Ms. Newman answered that no person was there representing the Gathering Place and so, no one wanted to comment because they thought it would not be a good thing to enter discussion when there was no representative in attendance. Mr. Werner stated that Ms. Newman is the Council representative and he expected her to keep that open. He noted that we need a homeless food place in the Near South. There was a brief discussion on this issue, but nothing of concrete substance was offered for consideration and so the discussion was closed.

2. CITIZEN'S MEETING (Newman) Ms. Newman reported that the focus of this meeting was the Flood Plain Task Force Recommendations. There were 27 people attending. It was great with Nicole Fleck-Tooze there for the City and a representative from NRD. They answered some very good questions about what is going on with Dead Man's Run and how the Flood Plain Task Force organization would impact the existing environment.

OTHER MEETINGS - Ms. McRoy reported that she had gone to the Keno Prevention Fund Meeting last Tuesday. There was a memo in Council packets regarding the 19th Round of Funding for the Council Members' review.

III. APPOINTMENTS/REAPPOINTMENTS - None. Mr. Camp noted, that though there were no Appointments/Reappointments on the Agenda, they did have the pending Planning Commission Appointment to consider, noting the letters from the Chamber of Commerce and the Homebuilders concerning that appointment. Mr. Bowen commented that the Mayor has a list of people who have been suggested for consideration. She has talked with some Council Members and will try to contact the others before the days end for an update.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen commented that he had only one item for discussion. There has been one conversation with the County Board about their 911 program and looking at when they might be taking their actions on that. Mr. Cook asked if they might raise their 25 cents. Mr. Bowen noted that is what Administration had asked them to do. They'll be talking about it at their staff meeting next week. Mr. Bowen explained that he would be there to present the case on why it was done at the City level, even though they know, pretty much...they had the 911 Hometown Security Report. We need to clarify the law with them...to make sure that we understand the County provisions of the State Law. See if they've changed any - we don't think they have.

Mr. Camp asked about the wireless and 911 surcharge on the State level. Mr. Bowen stated that that discussion will be coming at a later date. It will be a part of the legislative package that we bring to you. That will be one of the many items now.

Mr. Camp noted that the School Boards in several cities are looking at challenging the State's allocation of funds. He said that he felt the State had caused some difficulties for local communities and he would like to see a strong lobby effort with them in the upcoming session. Mr. Bowen stated that the Legislative package at the State level will be, to say the least, a long list - and controversial from their side.

Mr. Werner asked if Council might not discuss that list at some point. Mr. Bowen answered that that was what he was talking about. In a few weeks, he'll be getting it to Council. The Legislative session doesn't begin until January...so we have plenty of time. Mr. Camp noted that if we lay our ground work early, we can have conversations with some of the chairs of the respective State committees.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment (Dates for the Listed Meetings had Already Passed)

VI. MISCELLANEOUS - None

VII. COUNCIL MEMBERS -

JON CAMP - Mr. Camp had two items to discuss. He asked his colleagues for thoughts on the Mayor's Veto of the JAX application. Discussion led to the determination that if no one makes the motion to over-ride it, it will stand - without further Council action.

Mr. Camp asked for further thoughts on the discretionary funds. Mr. Svoboda stated that he had nothing more to add, except that they wanted the funds. Mr. Friendt stated that he had a solution which he would propose at the Formal Meeting today. There was no other debate concerning this issue.

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - Ms. Newman, just after the presentation by Ms. Ross and Chief Casady, asked Ms. Ross if there were some way to insure that a citizen who had come to a meeting because of a denied claim against the City would not have to sit through the entire meeting before being allowed to come forward to discuss his/her appeal. Ms. Ross indicated that when she called the item she always asked if there was anyone in attendance who wished to come forward on that item. She thought she might be able to speak to Dana about how much she should encourage comment when it is regarding an investigated claim which had been denied or approved. She indicated that she would speak with Mr. Roper and see what could be done - perhaps an extra statement to be read when that item is brought forward on the agenda.

KEN SVOBODA - Mr. Svoboda stated that he had a couple of issues he wished to discuss. He reported that he and Mr. Friendt had been at a State Homebuilders event in Omaha last Friday and had met with some Omaha Council Members who were very much interested in wanting the joint retreat to be a little more substantive this time, especially as it relates to the gas tax and the 911 issue. He noted that Marc Kraft would like to have some discussion on the smoking ban that we're currently looking at. Mr. Kraft will be introducing legislation [in Omaha], but it will be considerably later than Lincoln's. Mr. Svoboda reported that Omaha is looking at having a really good open discussion this time at the Retreat - with City lobbyists about these legislative issues. That is, hopefully, something that we can tie-in together and work jointly on the issues.

Mr. Werner asked why Lincoln didn't host the meeting here rather than at Mahoney - with a box lunch perhaps. Mr. Svoboda answered that they could; and Mr. Bowen added that Mahoney had been chosen in the past as a central location for both groups.

The question arose as to when the resolution on the smoking ban would be introduced? Mr. Svoboda stated that it might be by the end of October. He wasn't sure if that should even be on the agenda for discussion. Mr. Camp stated that he felt it would be good, because he has already been hearing comments from people who are saying they'd like to see this at the State level versus the City level - though, he thought that might be a diversionary tactic. Mr. Svoboda stated that he thought this was coming from the smoke lobby group, because that is their tactic - they know it would get bogged down in the State forever. But, nonetheless, Mr. Svoboda continued, he had been reminded that it is Lincoln's turn to host the joint Lincoln/Omaha Council Retreat.

Mr. Friendt agreed with Mr. Werner, asking why we couldn't do a home and home. Have this year's meeting here and the following year have the meeting at their facility. He added that he would love to see their facility & what they do. It was agreed to have the next joint meeting here at the County/City Building; hold the presentations to a minimum so there would be more time for open discussion about what we can do together and how we can do it - especially as it relates to the State legislature.

Mr. Svoboda added that the other item he wanted to report on was one that he and Ms. McRoy had come up with at a lunch last week. They had decided that, since Council Members don't really get together as a group except at Monday meetings, he had suggested to her that maybe she could kick off a new Council Gathering policy by having each District representative host a little get-together at a local restaurant/bar or bar/restaurant - or whatever they would want to do. At-Large members would have the entire City from which to choose their site. Mr. Svoboda asked if this would pose any difficulty with the open meeting laws?

Mr. Roper stated that it could be advertised and conducted as an open meeting. You could have the social gathering, but you'd never be able to talk any City issues then. Mr. Svoboda stated that that was the point. This would really be a chance to get to know each other better as individuals. It was confirmed that they could gather as long as no City issues were discussed.

Discussion ensued with Ms. McRoy stating that she would e-mail everyone with the first invitation.

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:35 p.m.

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