

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 3, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of October 20, 2003.
- 2. Pre-Council Meeting Minutes - RE: Yankee Hill/Regional Center Annexation - October 20, 2003.
- 3. Pre-Council Meeting Minutes - RE: Update on the proposed Lincoln Smoke Free Air Act - October 20, 2003.
- 4. Pre-Council Meeting Minutes - RE: Parks & Open Space - October 13, 2003.

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

- *1. PRT Meeting (Newman)
- 2. DEC Meeting (Friendt)
- 3. Mayor's Outdoor Dining Committee Meeting (McRoy/Svoboda)
- 4. Downtown Lincoln BID Association Board Meeting (Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

- 1. You and a guest are invited to The Updowntowners Membership Appreciation and Recognition Luncheon on Wednesday, November 12, 2003 - Lunch served at 11:45 a.m. - Program begins at 12:15 p.m. - At The Cornhusker Hotel - Lunch is \$15.00 per person - Please RSVP to 434-6507 or by E-Mail. (See Invitation)
- 2. Pulp Fashion Show - Please join the Nebraska State Recycling Association & Wastecap as we kick off American Recycles Day on Tuesday, November 4, 2003 at 4:30 p.m. at The Cornhusker Hotel - (Present your invitation for two complimentary tickets)(1-800-248-7328, ext. 12) (Council received their invitations on 10/27/03)

3. The National League of Cities and the new NLC Central Cities - Invite you to attend the 2003 Congress of Cities in Nashville in December at a discounted rate as part of a special outreach to elected officials from major urban areas. The Conference will be held on December 9-13, 2003, at the Opryland Hotel and Convention Center. (See Invitation for more details)
4. Acreage Studies - Open House on Tuesday, November 18, 2003 at 6:30 p.m. - Lower Platte South Natural Resources District Office, 3125 Portia Street - (See brochure)
5. 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.) Whiskey Creek Wood Fire Grill, 3000 Pine Lake Road on Friday, November 7, 2003 at 3:30 p.m.
6. Good Neighbor Community Center - Holiday Bazaar/Open House on Sunday, November 9, 2003 from 12:00 p.m. to 4:00 p.m. - 477-4173. (See Invitation)
7. The Lincoln Chamber of Commerce requests the honor of your presence at a Reception on Monday, November 17, 2003 from 4:00 p.m. to 5:30 p.m. to welcome Rick Saffee as the Lincoln Site Leader for Pfizer and Jamie McDonald as the Plant Manager for Square D at Lincoln Chamber of Commerce, 1135 "M" Street, 3rd Floor - Please RSVP by November 13th to Tera Pugh at 436-2355 or by E-Mail. (See Invitation)

VI. MISCELLANEOUS

1. Discussion - Revisiting the issue of taking the week of November 10th off for Meetings due to Veterans' Day. (Requested by Glenn Friendt)

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM OCTOBER 27, 2003.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 3, 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, Cori Kielty, Mayor's Office; Dana Roper, City Attorney; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

I MINUTES

1. Minutes from Council Members' "Noon" Meeting of October 20, 2003.
2. Pre-Council Meeting Minutes - RE: Yankee Hill/Regional Center Annexation - October 20, 2003.
3. Pre-Council Meeting Minutes - RE: Update on the proposed Lincoln Smoke Free Air Act - October 20, 2003.
4. Pre-Council Meeting Minutes - RE: Parks & Open Space - October 13, 2003.

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 general consensus of the Council Members.

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

1. PRT (Newman) Ms. Newman reported that there had been a very interesting case that came to our attention on a commercial property up north, which had many problems. We'll see what happens with that one. The PRT+ Group is making some headway. It looks like we've cut about two weeks out of the time [required to go through the problem property resolution process] by having the letter drafted from Legal that will go directly [to the property owner] instead of having Building and Safety go out and give a second warning and then have the clock start on the process time. Ms. Newman thought there was some progress being made, which she thought will make things more efficient.

2. DEC (Friendt) Mr. Friendt stated that he had requested Council Staff to circulate the copy of the Financial Report and Minutes to the Council Members for their review. [Each Member received a copy on 11-03-03] The District Energy Corporation review from this past year is basically energy comfort consumption. It was down because of the warmer weather we've been experiencing this Fall.

The Revenue was down a little bit from projections, but we're going to end the year with a net revenue that is pretty much on target. We're in the black. What they're forecasting for next year, though is fairly serious increases in the 12-16% range - in terms of operating and maintenance expenditures. A lot of the operating expenses have to do with the increased cost of gas to fire the boilers and heating elements at the City, County and

State buildings. In taking a look at it, the labor costs are pretty close in line to the rate of inflation. We're not going to expend much in terms of the capital improvements except on maintenance. The fact is that natural gas will be up 24% next year for us. LES is facing the same kind of challenges. He noted that the State was there and Don Killeen was there and Mr. Friendt believed that they were satisfied with the reason why the budget will be increasing.

There are no new projects on the horizon, though Mr. Friendt had asked them to think about the Regional Center. The initial reaction to that was, for various reasons, it probably doesn't make sense at this point.

3. MAYOR'S OUTDOOR DINING COMMITTEE (McRoy/Svoboda) Ms. McRoy reported that this was the Committee's final meeting. There were quite a few changes made, but nothing that was controversial. The process will be followed, with the Law Department to clarify and complete the changes.

Ms. McRoy noted that one of the major changes was that, if someone has a beer garden, there must be food sales from a commercial kitchen. That was one of the major changes. Mr. Werner asked if Ms. McRoy was referencing a beer garden, or a sidewalk café? Ms. McRoy felt the terms were interchangeable. Mr. Werner hadn't thought of them as interchangeable.

Ms. McRoy returned to her report, noting that if you have *either* a beer garden *or* a sidewalk café, there have to be food sales prepared in a kitchen. There was one more category added to the push cart section. Those were basically all of the changes made.

Ms. McRoy added that there had been no closing time designated - an issue which had been discussed at one time. This legislation should get to Council sometime after the First of the Year. This will go to the Urban Design Committee for review to make sure everything is fine in that context. She noted that the work of this Committee was pretty much done.

4. DOWNTOWN LINCOLN BID ASSOCIATION BOARD (Werner) Mr. Werner reported that most of this meeting had been taken up by a report from Kent Seacrest on Antelope Valley. Mr. Werner noted that it was a very interesting report. A lot of that, of course, is held up -or slowed down- because of the infrastructure financing issue. Then the other big concern was about the Social Security Offices moving out of downtown Lincoln. The DLA is making concerted efforts to keep them downtown.

Mr. Cook commented that we could lease them some space in the Old Federal Building - "Oh, wait" he then exclaimed, "we gave that away, didn't we - I'm sorry." Mr. Werner noted that they were thinking of the St. George Building.

OTHER MEETINGS - Mr. Cook reported that he had been at the Health Department Expansion Meeting. Mr. Werner had been there, but had to leave early. Mr. Cook stated that he had stayed late because the meeting had gone on longer than had been planned. He noted that people had testified that they'd really rather not have the Department there, but if they must, they'd prefer to have the Commercial properties utilized after being bought by the City. Mr. Cook was not sure that this would be a practical choice, (though a lot of neighbors would like that), because it would clearly orient the complex toward "O" Street and get rid of what the neighbors see as a less desirable use there.

Also discussed were the additional space needs to be discussed tomorrow [at the scheduled Common meeting] and how much we want to “shell” in on the 3rd Floor (whether it would be half the building, or the whole length of the building). There will even need to be some space built out in the basement for emergency/911 related uses.

Mr. Cook noted that they had talked briefly about moving the existing parking lot - swapping that and making that area park land, and moving the lot over next to the parking lot they’re building. This would make more parking along “O” Street. Yes, the park frontage would be reduced, but the green space would be moved over to near the neighborhood and would completely eliminate any need for people to drive through the neighborhood to get to the parking area. He felt this ought to be discussed and Mr. Cook had asked the architects to at least look at that option and possible costs for discussion tomorrow.

Mr. Cook reported that Scott Opfer had shown a design for a potential U-Turn at 33rd Street that they would expect to be paid for out of this project’s funds. This was proposed because it is so difficult to exit to the west. The only way to go west would be to take “N” Street over to 27th Street if you want to get to a light. This option was discussed briefly among the Council Members. This issue will be discussed in more detail at the Common Meeting to be held tomorrow at approximately 8:30 a.m. in this room. Mr. Cook felt the Public Building Commission might be voting on an option to go forward on Tuesday after the Common Meeting - potentially. Mr. Cook stated that he was feeling a little pressure to make sure that whatever input people have is provided and we are able to have it taken into account.

Ms. McRoy reported for Council’s information that the Annual Meeting for the Cornhusker State Games had been held. She reported that Tom Ash officially resigned effective Saturday as the Executive Director. He will be staying on as a consultant for the next nine months to take the Games to the 20th Anniversary Celebration this summer. Dave Mlnarik will be stepping up from the Associate Director’s position to fill the vacancy. Everything is going fine. The Budget is fine. The City does contribute annually to the Games, so that is why Ms. McRoy wanted to update the Council.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen briefly outlined the upcoming Joint Lincoln/Omaha Council Meeting to be held on Wednesday, November 5th from 2:00 - 4:00 p.m. at the Omaha Civic Center. Mr. Bowen indicated that a bus would be at the 9th Street County/City Building Entrance at approximately 12:45 p.m. to pick Council up for transport to the meeting. The bus will be leaving at approximately 1:00 p.m. The meeting will be approximately two hours after which there will be a tour of the new Omaha Qwest Center. Then, after that tour, the bus will drop the Omaha Council back at their offices and then head back to Lincoln. The estimated time of arrival into Lincoln would be between 6:30 and 7:00 p.m.

Mr. Bowen outlined the meeting Agenda and several last minute adjustments which had been made to the discussion topics. The adjustments had been made in an attempt to accommodate the two hour time allotment for the meeting. These changes were discussed briefly by Council. Mr. Bowen requested that Council Members let him know who would be planning to ride to the meeting on the bus.

Mr. Bowen commented on the request from the Vietnamese Community regarding the display of their flag at official events in the City. This discussion was brought up by the clarification response which the Vietnamese Community had sent back to the Mayor after the Administration had written to them with the decision of the Public Building Commission. Now they would want a resolution passed, supporting the position that their flag be displayed at official functions rather than the official flag of Vietnam. Council discussed this issue at some length and decided this was an international political matter and as such it would be best for Council Members to maintain a neutral stance on the issue. It was agreed that if the Mayor should choose to make a proclamation that would be acceptable to them, but that they felt it would not be appropriate to have a formal resolution on this.

Mr. Bowen handed out materials on the conversations that have been held between the City Law Department and Time Warner. It was noted that Time Warner had agreed to Arbitration, but they would only go along with it if they agreed with the results. It would not be binding arbitration, but conditional arbitration, which would not effect a resolution of the differences. Mr. Roper agreed that that was the case. Time Warner had been very "up-front" in their statements that the arbitration results would not be binding on them if they didn't like the outcome. He indicated that they've talked and mediated and now have come to non-binding arbitration. We don't agree and we need to resolve the issues.

Council discussed this for some time, weighing the options of formal mediation, arbitration or litigation. It was the final decision, that in looking for a quick resolution, the best course would be to go to litigation...since, in essence, it would be a waste of time to go through the formality of arbitration if it were not to be binding. This was discussed, including the cost of an arbitration which, in fact, would have no validity; finally, Council agreed to a vote on the best course to take. Jonathan Cook moved that the next step in the negotiations would be to move to litigation and not explore the possibilities of mediation or arbitration. This motion was seconded by Glenn Friendt and carried by a 6-1 vote with Jon Camp dissenting.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion - Revisiting the issue of taking the week of November 10th off for Meetings due to Veterans' Day. (Requested by Glenn Friendt) Mr. Friendt thought this should have been a working Monday for Council since the actual holiday (Veterans Day) fell on Tuesday and not Monday. Council Members agreed, but it was noted that at this point it was too late to make the change due to the advertised dates for ordinances, resolutions and public hearings.

At this point, the December meeting schedule was brought forward for discussion. A Final Decision was made to maintain the traditional schedule of No Meeting the weeks of the Christmas and New Years Holidays and no Night Meeting for the month of December.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook asked for clarification on the time for the Pre-Council on Smoking Ordinance. It was agreed to have the pre-council on this ordinance scheduled after the public hearing today to see how much time might be needed.

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

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

CORI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:40 p.m.

cm110303/jvr