

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 24, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Council Members' "Noon" Meeting of November 3, 2003.
- **2. Minutes from the Director's Meeting of September 8, 2003.
- **3. Pre-Council Meeting Minutes - RE: LES - Budget Summary-Approval-2004 LES Operating and Capital Budget - November 3, 2003.
- 4. Pre-Council Meeting Minutes - RE: Budget Discussion - November 3, 2003.
- 5. Minutes from the Director's Meeting of October 13, 2003.

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

- *1. Lincoln Partnership for Economic Development Investors' Meeting (Camp)
- *2. Public Building Commission Meeting (Camp/Cook)
- *3. Parks & Recreation Advisory Board Meeting (Cook)
- **4. ISPC Meeting (Camp)
- **5. Multicultural Advisory Committee Meeting (McRoy) - NO MEETING IN NOVEMBER - WILL MEET IN DECEMBER
- **6. Board of Health Meeting (Svoboda)
 - 7. Special Parks & Recreation Advisory Board Meeting (Cook)
 - 8. Community Development Task Force Meeting (Friendt)
 - 9. Internal Liquor Committee Meeting (McRoy/Newman/Svoboda) - NO MEETING IN NOVEMBER
- 10. PRT Meeting (Newman)- CANCELLED
- 11. Homeless Coalition Meeting (Newman)
- 12. Citizen's Meeting (Newman)
- 13. Special Public Building Commission Meeting (Camp/Cook)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. Special Invitation from Terry Showalter, Lincoln Literacy Council, Chair, New Americans Task Force - The New Americans Task Force (NATF) will proudly view our new video production of "The New Nebraskans". We would like you to be our guest at our next NATF/Press Conference for the unveiling of this production. On Friday, November 21, 2003, at Noon to 12:30 p.m. - at the Lincoln/Lancaster County Health Department in the Training Room, 3140 "N" Street. Please RSVP to Kit Boesch at 441-6868 or by E-Mail. (Council copies placed in their file folders on 11/14/03, so that they get them on 11/17/03) (See Invitation)
2. You are invited to the Ribbon Cutting Ceremony for the 3rd and "A" Overpass - on Friday, November 21, 2003 at 9:30 a.m., East end of the overpass - Reception following at Park Middle School, 855 South 8th Street - (Ribbon cutting also will be at Park Middle School if the weather is bad) - (Council copies placed in their file folders on 11/14/03, so that they get them on 11/17/03) (See Invitation)
3. Invitation - Reflections from the Crystal Chandeliers at the home of Jack Saltzman (841 South 15th Street) for the benefit of Fresh Start Home - Jack's 6th Holiday Gala - on Friday, December 5, 2003 from 6:30 p.m. to 9:00 p.m. - Reserve your \$20.00 advance tickets by calling Fresh Start before December 1st at 475-7777. Tickets are \$25.00 at the door. (See Invitation)
4. You are cordially invited to StarTran 2003 Holiday Light Tours to be held on ... Friday, December 12th; Saturday, December 13th; Thursday, December 18th; Friday, December 19th; - Reservations are necessary-limited seating is available - Please call Kitty Miller at 441-8469 to reserve your complimentary seats - (See Invitation)
5. Beal Slough Streambank Stabilization Informational Meeting on Thursday, November 20, 2003 at 6:00 p.m. - at Bess Dodson Walt Branch Library, 6701 South 14th Street (Council copies placed in their file folders on 11/17/03) (See Invitation)
6. HDR - Holiday Luncheon on Friday, December 12, 2003 at the Cornhusker Hotel - Refreshments at 11:30 a.m. - Lunch at Noon - Please RSVP by December 1st to Gladys Doerr at 399-4909 or by E-Mail - (See invitation)
7. Home Real Estate - Grand Opening Celebration of our New Pioneer Greens Office on Tuesday, November 25, 2003 from 4:00 p.m. to 7:00 p.m. at 4501 South 86th Street - Hors d'oeuvres and refreshments will be served - (See invitation)

8. You're invited to a very special evening! – Holiday Ball, Auld Recreation Center, 1650 Memorial Drive (in Antelope Park) from 7:00 p.m. to 9:00 p.m. - Please come to at least one of the Ball evenings: Monday, December 1st; Wednesday, December 3rd; Thursday, December 4th – RSVP to 441-7877 - (If attending, please indicate which date you will be attending) (See Invitation)
9. 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.) Westfield Shopping town Gateway - Steve & Barry's (college & university apparel) is opening an 80,000 square feet two-level store for men, women & kids - (old Montgomery Ward's store, across from Wet Seal & Cellular One) on Thursday, December 4, 2003 at 10:30 a.m.
10. E-Mail Notice/Invitation from Bradd Schmeichel, Urban Development Department - Homeless & Hunger Awareness Event on Thursday, November 20, 2003 at 10:00 a.m. at Peoples City Mission - (See Invitation)
11. 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.) Southeast Community College, New SCC Continuing Education Center, 301 S. 68th Street Place on Tuesday, January 20, 2004 at 4:00 p.m.

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM NOVEMBER 10, 2003.**
****HELD OVER FROM NOVEMBER 17, 2003.**

ca112403/tjg

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 24, 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

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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 general consensus of the Council Members.

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

1. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (Camp) No Report - Schedule Conflict
2. PUBLIC BUILDING COMMISSION (Camp/Cook) - Mr. Camp reported on the meeting of November 20th. He noted that there had been some parking garage Change Orders which were approved. It looks like the garage will be open on December 1st. They had discussed security modifications at the parking lots. They had approved the contract for Side Line Deli which will be opening December 1st. Mr. Camp also reported that they would be sending a letter to our Congressional representatives, including Bereuter, Nelson and Hagel, with copies to the Omaha Public Building Commission and the State of Nebraska on these new rubber bump things that are found on handicapped ramps that cause a lot of maintenance challenges. There is a division of opinion as to whether those are required by the ADA or not. But they're appearing all around town and when there is snow there, it almost creates an ice-sheet. It's very difficult to maintain.

Mr. Cook addressed the regular meeting of November 4th, which followed the Common Meeting. The Health Department expansion status was the main topic of discussion. They voted at that time to go forward with an RFP and also to start the process forward to the City Council and County Board for some kind of approval from those two

bodies. Mr. Cook felt both Jon and the County Board Members decided that perhaps a public hearing was appropriate - for both the Council and County Board. So, we'll actually advertise it and have people come down and talk to us about it. The RFP process takes a while to get under way, so that will be going on concurrently with our efforts. Mr. Cook did not know when it might end up as a public hearing on the Council Agenda, but the next PBC meeting is 9th of December.

Mr. Cook reported further on the parking garage status - November 21st is the official completion date, but it is not expected to be opened before December 1st - which is when it will actually open. Mr. Camp observed that they're in penalty time right now.

Mr. Cook mentioned that they had decided to cut a door in that concrete wall next to the entrance of the parking garage for pedestrians to use so they don't have to walk through traffic, as they have to now. Mr. Cook explained the plan for implementing this portion of the project.

Discussion continued briefly on the parking garage with details revealed as to who & where the public and the Council Members would be allowed to park.

3. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that the next Park & Rec Board Meeting is the 4th of December. They held a special meeting on the 20th of November to discuss the Health Department expansion. They're very upset about having been left out of the process. He felt that was a reasonable feeling, given that we're taking park land and nobody bothered to go to the Park & Rec Board to ask if they had some thoughts on the matter.

Ms. Kielty commented that they did go to Parks & Rec.. They gave the flier to the Parks & Rec Department. Parks & Rec did not send the flier to the Parks & Rec Board. It wasn't the Health Department. Mr. Cook commented that he hadn't stated that it was the Health Department's fault...it's just that the plan changed quickly to take park land and put a parking lot there without input from the Board. The P&RB had a presentation at their special meeting and they will vote on a recommendation on the 4th of December. He noted that there were strong feelings about the taking of park land. This particular park has been the site of many, many controversial issues. We'll see what the P&RB comes up with - which is something we can then take into consideration when Council has our public hearing on the matter.

Mr. Cook reported that two cell tower proposals -an additional one at Star City Shores and one at Antelope Park ball field- had been reviewed. Apparently, the Urban Design Committee is no longer in the loop on cell tower review, so we will get a memo back on the procedures for locating cell towers. Mr. Cook indicated that he had requested that the memo be distributed to all of the Council Members.

He reported that Lincoln Cares project shelters were discussed; as well as drinking fountains at the dog runs; Sunken Garden renovations; prairie near Pioneers Park; and the Park Middle School Teen Center and scholarship program were also discussed.

Mr. Cook brought Council's attention to an article in the Neighborhood Extra section that informed about trails, open green space in the long term plan for the whole County - showing what we're working towards.

4. ISPC (Camp) No Report

5. MULTICULTURAL ADVISORY COMMITTEE (McRoy) - No Meeting in November - Will Meet in December
6. BOARD OF HEALTH (Svoboda) Mr. Svoboda stated that there was nothing new coming up. Strategic plans were discussed, but there's "nothing on the radar screen" - til after the first of the year.

Mr. Werner asked if the Ordinance [smoking ban] would pass at the City level, at what point would they take it to the County level? Mr. Svoboda stated that it would be at the direction of the County. He noted that there is one County Board member that wants to take it up immediately after we do. The County Board would start the process. He did not know if they had any control over the small communities in the County, however. Mr. Roper noted that they have no control over the 12-13 outlying villages. Mr. Roper, in answer to Mr. Cook's reference to County Commissioner Steven's letter inquiring as to jurisdiction and enforcement of this ban, stated that he would do a follow-up and get the information to the Council.
7. SPECIAL PARKS & RECREATION ADVISORY BOARD MEETING (Cook) - See Remarks above at "Parks & Rec Advisory Board" report.
8. COMMUNITY DEVELOPMENT TASK FORCE (Friendt) Mr. Friendt reported that the primary focus was to approve the consolidated annual performance evaluation report (CAPER). This draft was approved. New members were introduced; committee assignments were set up for next year. (Mr. Friendt agreed to continue on Community Services Committee). He noted that the City's Urban Development Department does a lot of stuff!
9. INTERNAL LIQUOR COMMITTEE (McRoy/Newman/Svoboda) - No Meeting in November
10. PRT Meeting (Newman)- CANCELLED
11. HOMELESS COALITION (Newman) Ms. Newman reported that they had discussed the very successful Homeless Coalition Recognition Luncheon. There were about 120 in attendance. Someone from the HUD Homeless Committee said that they're trying to raise money for Holiday Party gifts for children. Goodyear has volunteered to donate 60 gifts at \$15.00 per gift. They're still looking for 41 more. If anyone is interested, call Susie Blue from Matt Talbot & she can give you details.

Ms. Newman reported that Matt Talbot has finished Phase I - the dining room is done & they'll have a pizza lunch and a traditional evening Thanksgiving dinner. The Mission will have their Thanksgiving dinner, which generally serves about 500 people. They have about 210 beds and can accept more with some crowding if necessary for sheltering the homeless.

The counting of the homeless is being study so a system can be devised so that they know people will not be slipping through the cracks. Now several agencies base their counts on different criteria - possibly some people are counted in duplication and some not counted at all. They want to try to coordinate and systemize the count so all are included.

Mr. Werner noted that he is no longer on the DayWatch Board and Alan. Green has resigned from DayWatch. Mr. Werner added, with some concern, that several Board members have quit recently - some because of concerns over the organization's financial responsibility. Ms. McRoy noted that she would follow-up on these concerns through her JBC office.

12. CITIZEN'S MEETING (Newman) Ms. Newman noted that Urban Development had talked about their projects City-wide, but we emphasized Havelock and the North 48th Street projects. It was interesting stuff and it was a good turn-out with 25 in attendance.

13. SPECIAL PUBLIC BUILDING COMMISSION MEETING (Camp/Cook) (See remarks above)

OTHER MEETINGS - Mr. Svoboda reported that the Mayor had asked him to serve on the Mayor's Streamlining Advisory Group which is the group that is looking at ways to stream-line the permit processes in both Planning and Building & Safety and Public Works offices. The first meeting was an organizational one, determining goals and setting up sub-committees. Mr. Svoboda is serving on the Subdivision and Engineering Sub-Committee which met last week. We'll meet in a couple of weeks. There have been some really good suggestions coming both from the private sector and the Public Works as to how the process can be dramatically streamlined to benefit all. Mr. Svoboda stated that he would keep the Council updated.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Kielty reported that there are a couple of openings in the Community Development Task Force, simply because of some changes the Task Force has made. She noted that if any Council Members had suggestion of people for the targeted areas - there will be two openings.

Ms. McRoy, commenting on the appointments to the Cable Advisory Board, asked about a gentleman who has had an application in for two years for an appointment to this Board and she wondered why he has not been selected? Ms. Kielty indicated that the Mayor had wanted some females on the Board who had some knowledge about the industry. The other appointment is someone else who has been on the list for a long time, too. Ms. Kielty stated that she would check on the name of the gentleman of Ms. McRoy's concern.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen commented that the City Administration and the School Administration have had discussions regarding bond issues - to make sure that we're coordinated together whenever the schools are ready to come forward on whatever their bond issue is going to be.

He also reported that they have begun discussions with the League of Municipalities and others regarding our legislation for this coming year when the session starts in January. He listed the four items of concern, but his comments were inaudible. He did comment that they would be following the progress of LB775 in order to better plan for the Budget.

Other things: Railroad Transportation Safety Districts and their tax exempt status; we've added, as a community, State Fair Park; protecting the Lincoln Correctional Center from further cuts or closure; and the Hastings and Norfolk Regional Centers, which are also involved in this now since they're targeted for closing. They will also be looking at what kind of cuts may effect the University of Nebraska again.

And there is also our ongoing concern about the cigarette tax money and MERF accounts. We bonded those monies locally - and had done so on the States promise that we could. If they were now to cut it, that would seriously effect our bond rating and theirs.

Federal Legislation will include the East/South By-pass; Salt Valley construction; and roadways in the East By-pass. We'll also be involved in any legislation of departmental concerns.

At the League of Municipalities meeting one of the things he had noted were the public meeting laws. Now they're looking at not only conference calls, but joint e-mail correspondence could be construed as a public meeting. So, that is a caution to you, since it is in a gray zone. If you're communicating to each other on policy issues - be cautious.

Mr. Roper stated that it wasn't even in the gray zone. It's prohibited. If everybody is on at the same time -you've got a quorum - That's a problem. Mr. Werner asked if you just e-mail to one member is that would be okay. Mr. Svoboda asked if it were cc's to others? Mr. Roper stated "well..." He noted that timing is another thing - if there is a fifteen second lag time, that could be a problem. Mr. Roper's recommendation was "just don't do it."

Mr. Bowen reminded Council that the City (Offices) will be closed on Friday. There will be no bus service on Thanksgiving, but there would be bus service on Friday.

Mr. Cook brought up a discussion regarding the LPS and Community Center's bonds. Is that part of that on-going discussion? Mr. Bowen noted that *is* that discussion. - Only because the schools have not narrowed down what they'll be considering for their own projects. What they decide will largely depend on what we can do with them.

Mr. Friendt asked about the coordination of City Bond Plans and the Public Schools and asked if Mr. Bowen could tell Council what the Administration is anticipating in the next year? Mr. Bowen responded that we're waiting on their goals to coordinate our efforts - especially in the areas of Community Learning Centers.

Mr. Friendt asked if there were any other bond issues that are anticipated? Mr. Bowen stated that there would be the Storm Water, though that will be the following year. There will possibly be infrastructure financing with the roads. The Chamber will be taking a lead to eventually act as a clearing house on bonding issues; there are a variety of ideas being studied on these funding issues.

Much of Mr. Bowen's following comments were inaudible. Discussion continued with internet taxation being discussed briefly.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS - None

VII. COUNCIL MEMBERS -

JON CAMP - Mr. Camp asked Mr. Podany to come forward to review the Library policy on the internet use. Mr. Podany stated that last week Lincoln City Library Board of Trustees met and discussed the internet policy that we've had in place at the Lincoln City Libraries. The Board, after extensive public hearings, decided not to filter any computers. They had agreed to revisit that policy at the end of a year. That was also accelerated a little bit by the Supreme Court decision effecting funding from Congress for Libraries - requiring that they have some filtering.

We've had two public hearings since then. We've had two sides, of course, with some supporting no filter under the 1st Amendment right to unlimited access on anything on the internet; the other side is represented by those offended by some things that they are seeing on the internet, especially as it relates to children.

The policy that the Board approved last week was to separate internet computers in all library facilities to have some to be identified as un-filtered and some identified as being filtered. The idea is that the filtered computers will be set aside or reserved for children or anyone who doesn't want to use the unfiltered computer.

Children could use the unfiltered computers if they have permission from a parent. That is very close to the policy we've had in place. Any child that wants to use an internet computer at the library has to have signed note from a parent to do that. The age break on that is under seventeen

The question is does that qualify us for Federal funding? We're going to apply for funding, but the interpretation from Connor Reuter is that even if we do this, we'll still probably not be in compliance. But there is a lot of confusion as to what does qualify. The total funding that we would be eligible to get under this right now is about \$20,000 or \$30,000 - in total funding. The direct funding that we would be effected by would be about \$8,000.00.

We've got a committee studying all of the facilities right now. The committee will look at the actual physical configuration of the libraries we have now to see how we can separate out the internet computers. At some of the smaller branches that might be somewhat difficult, but staff will be looking at that. A second thing that we will look at is the actual filter software that will be purchased. We'll have to investigate the different software and prices. The third thing we'll do is come up with an actual language change for the policy that we have, which will include a time table for implementation. We want to have a recommendation from that committee at the December Board meeting, so we can take action on any grant application or application for Federal funds, which have to be submitted by January. Even though we think we may not qualify, we'll send it in hoping they might say we could qualify if we did "this or that".

There is a lot of confusion since the Supreme Court did not give any clear direction as to what we would have to do to get that funding. That's where we are right now. We'll have a report in December and we will move forward at that point.

Mr. Friendt asked Mr. Roper what his "take" was on using taxpayer dollars to provide access to any kind of information? Is that protected as a 1st Amendment right? Mr. Roper said that he would try to get Mr. Friendt some material on that issue. That is not an easy question. He did have some material that might help. Mr. Friendt indicated that he would appreciate that, because he is not in favor of this policy. He indicated that he would write a letter to the Library Board to express his concern. If we have a situation where anything such as the Ten Commandments in a public place is offensive to some people - this access to potential pornographic material in our public facilities has got to be offensive to a lot of people. It's an attempt at compromise on something that shouldn't be compromised.

Mr. Cook asked if in order to access unfiltered adult computers, you would have to get parental permission. For the filtered computers, you no longer would require parental permission? Mr. Podany answered that everybody that we've asked to bring parental permission now would have to have written parental permission to use an unfiltered computer.

The workplace issue of pornography was discussed briefly.

JONATHAN COOK - Mr. Cook commented on the RTSD meeting schedule for December. His comments became moot as the meeting has been cancelled.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Mr. Werner noted that he was sending a letter to Nebraska's Senate and Lincoln's House representatives asking to keep the rail funding which would include the Inter-City rail between Omaha and Lincoln as well as Amtrak. Mr. Werner stated that he would have the letter prepared for signature by any Council Members who wished to add their signature to the request. All Members agreed to sign the letter in support of rail funding.

ANN HARRELL - No Further Comments

MARK BOWEN - Mr. Bowen related to the Council that a while back, the Mayor had sent a letter to the body regarding Consent Agendas. She has suggested a December 1st starting [inaudible]. Do you want to do that? Mr. Werner stated that he would like to know how it's going to be done before we just do it. Mr. Cook stated that Mr. Roper seemed to have concerns. Mr. Roper indicated that he did not. Mr. Roper stated that as he understands the proposal, he did not believe there was a problem.

CORI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:15 p.m.

cm112403/jvr