

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 15, 2004
Immediately Following Directors' Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Council Members' "Noon" Meeting of March 8, 2004.
2. Minutes from Executive Session (Natural Gas Litigation - March 8, 2004)

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

1. Public Building Commission (Camp/Cook)
2. ISPC (Camp)
3. Multicultural Advisory Committee (McRoy)
4. Citizens Meeting (Newman)
5. Board of Health (Svoboda)
6. Multi-Modal Transportation Study (Newman/Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MEETINGS/INVITATIONS

1. 10th Annual Earth Wellness Festival - Friday, March 19, 2004 9:00 a.m. - 2:30 p.m. Southeast Community College - 8800 "O" Street - Check in at Front Desk of Main Entrance & a Guide will Assist you.
2. Project Relate - A statewide mental health anti-stigma public service campaign. Wednesday, April 7, 2004, 7:00 a.m. breakfast 7:30 a.m. program. - Plaza Conference Center - BryanLGH Medical Center East - 1600 South 48th Street. (RSVP: 891-0009 by April 2nd, 2004)
3. CD Week Award - Governor's Awards Ceremony and Proclamation Signing - Monday, April 12th 11:00 a.m. in Governor's Hearing Room, State Capitol Building. Three projects being honored: 1) Lincoln Free to Grow; 2) 3rd & "A" Street Overpass; 3) Eagles View Park - (See Invitation)

4. Julie Cervantes-Salomons - Big Brothers Big Sisters 18th Annual Bowl for Kids Sake Bowlathon - April 3rd - Call for more information AND Invitation to "Little Moments" - an outreach of Big Brothers Big Sisters - **(Please see note)**
Dates of Meetings at Heartland BBBS, 6201 Havelock Ave. (464-2227)
Thursday, March 18th, 5:30 p.m.
Tuesday, March 30th - 7:30 a.m.
Wednesday, April 14th, 5:30 p.m.
Thursday, April 29th, 7:30 a.m.

5. Chamber of Commerce Invitations to Ground Breakings and Ribbon Cuttings:
 - A. Groundbreaking: City Impact (Project H.E.L.P. House Fundraiser Wednesday March 17th at 2:00 p.m. - Ridge Point Road West of 27th Street on Pine Lake Road
 - B. Ribbon Cutting: The Basket Bunch, Friday, April 2 at 10:00 a.m. 4821 Lowell Street - Suite #1

6. Everett Neighborhood Association - Monday, March 15, 2004, potluck dinner at 6:30 p.m. and meeting at 7:00 p.m. at F Street Community Center. Please join us if possible.

VI. MISCELLANEOUS

1. Discussion of Schools/Conferences Funding when Discretionary Funds are exhausted. - Are there other avenues available - Steve Hubka to address budget options available (Miscellaneous Expense Account from Gen Fund/Gen Expense). (Specific concern regarding attendance for J. Camp who has been requested by the Chamber of Commerce to attend a Conference in May (representing the City Council).

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 15, 2004
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, Corrie Kielty, Anne Harrell, Mayor's Office; Dana Roper, City Attorney; Bruce Dart, Health Director; Steve Hubka, City Budget Officer; Tammy Grammar, Council Staff - Covered Beginning of Meeting; Joan Ray Council Secretary - Covered Remainder of Meeting; 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 March 8, 2004.
2. Minutes from Executive Session (Natural Gas Litigation) - March 8, 2004

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

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

1. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Cook reported that the North Parking Facility had been discussed. He noted that the gates would begin functioning today. The tickets for validation have been handed out. He stated that he did not know what the mechanism would be for that yet.

He reported that panic buttons were a continued issue; the wet records - wasn't quite as bad as feared. They had thought that 5,000 boxes might have been damaged. It turns out only 932 State and 296 County/City records need to be dried. There is a company "BMS Catastrophe" which has been in business since 1981 and they will take the records, freeze dry them and bring them back and most will be restored just fine. So that is good.

He reported that monitors in the Council Chambers had been discussed, with input on the Omaha City Council's chambers where updating of the monitors had just been completed. They installed monitors and an electronic voting system, etc. We may take a trip up there and look at what they've done - and also look at some business sites that have some really nice systems.

Mr. Camp noted that chairs had been discussed. We're going to get the high-back blue chair and everyone will have a chance to look at a sample. They are \$641.00 each. This was in the approximate range of the chairs they had looked at earlier. It was noted that they had missed the auction where, it had been hoped, we would get the \$10.00 chairs.

2. ISPC (Camp) Mr. Camp reported that the biggest concern was looking at some protection from viruses. They're looking at some different ways to achieve that protection - especially on attachments. He noted that Doug Thomas would be working in the next month on a process of using a delay that would hold incoming e-mails with attachments. We could ask all senders to add a suffix to be applied to any City e-mails. They're just looking at different ways that would be the least inconvenient for recipients and at the same time protect the City system.

3. MULTICULTURAL ADVISORY COMMITTEE (McRoy) No Report

4. CITIZENS MEETING (Newman) Ms. Newman reported that, unfortunately, it had been scheduled the same night as the Mayor's Neighborhood Roundtable, so there were only 18 citizens in attendance. She noted that Allan Abbott had been there to talk about some of the projects we have going on in the Northeast District such as rehab; and he answered questions about sidewalks. Ms. Newman reported that one really refreshing thing that she had heard from a couple of constituents was that they thought their street was plowed *too often* on North 48th Street.

Mr. Cook suggested that since Mr. Dart would be requested to make comments during the Health Board report that it be addressed last so the Board of Health discussion could be continued after the other reports had been completed.

Mr. Cook also wanted to note that the Mayor's Neighborhood Roundtable meeting had been extra long this time. It had a fabulous turn-out -despite the competition from Patte's meeting- the room was packed. The self-help grants were given out and Kent Seacrest made a presentation about his Liquor Permit. Also, Chief Casady spent an half-hour at the end showing the crime data and how it has changed over the last few years. They've really made some improvements in some of the core neighborhoods. So, police effort there is working and is helping. There are definitely still some problems, but Chief Casady's technology was quite amazing.

5. BOARD OF HEALTH (Svoboda) Mr. Svoboda gave this report after the Multi-Modal Transportation Study report was completed. He stated that he was not able to attend that meeting because of a schedule conflict. Mr. Bruce Dart came forward, having been invited to the "Noon" meeting at the Director's Meeting earlier this morning.

Mr. Dart reported that discussion had covered the information in the hand-out material he had given to Council this morning. (Copy on file in the Council Office). He noted that the biggest issue is the difference between a bar and a restaurant - and to be consistent with other State laws - primarily the Nebraska Pure Food Act and the Clean Indoor Air Act. The Health Department was asking to adopt the same definitions for licensed beverage establishments. That would clarify the type of facility we were dealing with. This helps us push the smoking room prohibition of the law; and also helps in dealing the "18 [years old] and under" issue of the law.

The only thing new that we were going to request is that we be allowed to add permit requirements so we could monitor who is and is not non-smoking in their facility.

He commented that when the law was first passed, we said we would look at it and bring what we thought might be problems forward. Then it would be up to Council to decide if it is something they want to look at or not. If it's not within your approval to discuss it, then fine. We're trying to, hopefully, be consistent across all of the State Laws and avoid any potential problems that we think might come up.

Mr. Werner commented that he would like to have everything hammered out prior to bringing it to Council so we don't have to go through the whole debate again.

Discussion continued with Council bringing up concerns such as the intent of the new legislation. Mr. Cook commented that, if it were important that we mirror State Law in some way, he didn't understand why State Law was not brought forward as the basis of the legislation initially. The Health Department didn't provide any information about the State's laws or State enforcement efforts. Certainly the Board of Health hadn't made recommendations based on that. We chose a particular direction to go and the fact that it is not exactly the same as what State Law provides, shouldn't matter here. It is not in conflict with the State Law...they can work in concert with each other. Council passed the 60/40 split, partly because we felt it was important that food be served along with alcohol. The way Mr. Cook viewed the State Law definition for bar is that it is way too restrictive in that it says if you have a kitchen, you're a restaurant....which includes incidental food services - you're a bar, but beyond that, you're not. Is that what the Health Department is saying now?

Mr. Dart answered yes. He commented that when they first brought this forward, they were asking for 100% [ban]. That is why they had not looked at this issue. Mr. Cook felt the State Law encouraged the selling of liquor without much food and that seems to be at odds with the policy that the City has been pushing....which is the responsible consumption of alcohol along with food. That is why that suggesting that that be deleted is a radical re-write of this ordinance....not just a small suggested change or a difference of interpretation.

Mr. Dart commented that this interpretation applies only to the establishments here in Lincoln. So, to the broad scope, it does ensure that most of the people that you're trying to protect will have the access and availability of food. He did not think it would effect a large number of establishments - perhaps fifty.

Mr. Cook asked if Mr. Dart were saying that the 60/40 split -the number allowed by that- is 50 establishments? Mr. Dart answered that with this interpretation we're talking about licensed beverage establishments and that only applies to approximately 50 places. Everybody else is serving food on more than a limited basis. Mr. Cook asked then if Mr. Dart was saying that by eliminating the 60/40 split, he would be saying only these 50 establishments would be allowed to have smoking because only those 50 have incidental food services? Mr. Dart answered that was right.

Mr. Cook stated that that was a pretty radical change. Mr. Dart commented that it was a matter of interpretation. Mr. Cook stated that a lot of those places that do serve food, which is the worry, might decide not to anymore, because they want to continue to allow smoking. They will have to make that decision. We didn't want to put them in that situation where we would give them an incentive to stop food services. Mr. Dart commented that part of the ordinance that was passed was to allow them, if they wanted to have smoking in these places, to have smoking rooms and this gives them the provision to do that. That was one of the things that we looked at - that we still met that intent. It was our goal to meet the Council's intent.

Council was concerned that the proposed provisions did not meet Council's intent. Ms. Newman commented that in her 10 years of public service in this community, responsible hospitality has been a very, very important thing. You can't compare it to Scottsbluff, NE or Imperial, NE or any of these other smaller towns that may be covered by the Nebraska Clean Indoor Air Act. We know we have a problem with over-consumption here. We have encouraged bars to open kitchens to serve proper food instead of [snacks]. For

the Health Department to come back and say we don't like the 60/40 split and we want it all to go non-smoking is not what this Council intended. We take that Responsible Hospitality Class very seriously. It is not offered in many different areas. That is one of the things that we expect in this community - along with responsible hospitality services. And that includes opening a kitchen. We know there is an [ad]verse correlation between over-consumption of alcohol and places that don't serve food. We're talking about community norms here - our own community standard. We don't want to be painted with the same brush as smaller communities in Nebraska.

Mr. Dart answered that they were not doing that and we're not trying to say everybody should go smoke-free. We're trying to give people the ability to sell what food they want in their kitchen and still cater to their smoking clientele and still allow families to bring their children into these facilities - such as sports bars. We're trying to be broad so we can meet everybody's average criteria. That's what we looked at.

Mr. Dart stated that these were the Health Department's recommendations [formulated] in a way that we could meet the Council's intent. If Council disagrees, we'll start enforcement of the ordinance that was originally passed. If problems come up, we'll talk about it then.

Mr. Friendt stated that he felt Mr. Dart could sense that the way this recommendation is coming across is as an end run to change the ordinance and for people who didn't get their way to do it differently by some 'definitions'. He would like to believe that is not true, but pointed out that Mr. Dart was getting an emotional reaction, which is: "Wait a minute - what is it that you don't understand about the 60/40 that we hashed around for three months"? That doesn't feel good. Mr. Dart stated that he understood and that is not why they had brought it forward.

Mr. Friendt commented that a second thing is that our enforcement suggestion can be a lot simpler, and Mr. Friendt thought, better than others that Mr. Dart had cited who said that they don't really do enforcement....that it was just "scouts honor". The fact is that you must report sales tax differently for alcohol than you do for food. Every operation could take their year-end financial statements and say "this is what we reported to the State for alcohol and this is what we reported for food". The thought is that that could be filed with an affidavit at the time their liquor license is renewed; then spot checks could be done, if necessary. But enforcement, in Mr. Friendt's estimation, seems to be blown out of proportion in comparative terms of many other ordinances that we have in the City. We have many other requirements where we don't put every individual or every individual organization under a microscope every year.

His final suggestion was that, as Council had just passed a very complex "Living Wage Ordinance" with lots of exceptions - why don't you learn from that and use that approach to enforcement. We seem to have figured that one out.

Mr. Dart commented that that is what they might have to do. We were hoping....if there are going to be issues, we'd like to overcome them before they escalated so we can be more pre-active instead of waiting to see what is going to develop. Maybe nothing will....frankly, we don't know that, but we're looking at making this operation as smooth as possible. That was our intention. He hoped that Council would know that. He hoped that Council would know that that is not the way he personally does business. He also defended the Board of Health as being very upstanding regarding the issue.

Mr. Werner commented that this decision...your time table says the recommended changes will be voted on at the next Health Board meeting. Mr. Dart answered yes - and if

they choose to support them. They had some issues too. We wanted to have a dialogue before we brought forward any draft. Mr. Werner stated that his point is -yes, we need to have a dialogue, because if you come forward with these recommendations, we're obviously going to have a big problem with them. Mr. Dart stated that he had told the Board that a lot would be based on the discussion we had here today.

Mr. Cook commented that there is also the issue of requiring that those locations that do have smoking in licensed beverage establishments and have only limited food service would be allowed to have smoking in it's entirety....staff recommended that the ordinance be revised to include ventilation requirements, the same as for a smoking room, for the [entire] establishment. Mr. Cook stated that they had had discussions about ventilation....long discussions. There were efforts by those on the Health Board, and others, to say that "ventilation doesn't work anyway". We said that if you have an establishment where you set aside a smoking room, that has to be separately ventilated. We didn't make onerous requirements on that. You have to ventilate to the outdoors and bring air in...you can't let it be positive air flow out of that room into the non-smoking portion. If the entire establishment allows smoking, he did not see how that would apply. We do require that you don't leak into your neighbors' environment; but if you're a stand-alone bar, or you don't have a problem with leakage into the neighboring businesses, he did not understand this very significant change - because that would be a huge cost that would be added to these businesses. It looks like a minor thing, but it would require a change in the ordinance and would actually be a huge change from what we did. He felt, like the 60/40 issue, the Health Board needs to understand that these are not minor modifications that they're suggesting. They're talking about sending us a whole new ordinance. Mr. Dart answered that the Health Board does understand because they had the exact same reaction as far as the costs involved. That was a huge concern of theirs. He stated that he didn't want the Health Board to come out looking bad on this. Staff brought this forward, not the Health Board. The Health Board reacted the same as Council has. They listened to our justification for what we're doing. They wanted to wait and see what our discussion would be today. If there is going to be a smoking room or have a ventilation requirement to meet that in these bars, they know it is going to be a cost and that is one of the things that they're concerned about.

Mr. Cook asked Mr. Roper if Council would need to change the ordinance to allow for a permitting process, or can that be part of the rule-making that the Health Department comes up with - in order just to know what establishments are in fact allowing smoking?

Mr. Roper asked if they would charge for it. Mr. Dart answered yes. Mr. Roper stated then that you would need an ordinance. Mr. Dart stated that the reason why is that we would have to deal more with [inaudible] and those kind of things, especially with those places with smoking rooms it will cost more staff time. Originally we were just talking about doing it on a complaint basis, but to enact the ordinance, it's going to actually require staff time and we have to pay for that. Plus we need to know who allows smoking.

Mr. Cook stated that he can't speak for anybody else, but a permitting process of some kind to make enforcement a little bit easier for you makes some sense. The "under 18" issue may need to be cleaned up, as he understood that there is some difficulties there. He didn't understand what the signage clean up was. The employee issue, he would be happy to discuss with Tonya. These other changes, he had a lot more trouble with. We made our decision. We knew there would be some clean-ups regarding enforcement mechanisms and so on, but other than that, he hoped the Health Board doesn't lead us down that path and

say we're going to recommend these things regardless. And he hoped Mr. Dart was right - that they have these concerns as well and that they respect what the Council has decided and that we're not going to bring forward something brand new and re-debate the whole issue.

Mr. Dart answered that the Board does feel that way. He knew how much work went into this previously. He did not want to put responsibility on the Health Board. They've expressed some of the same reservations and concerns as we expected to receive from the City Council. We thought it would be a good idea and relevant to have this dialogue and see where it goes. It doesn't hurt to talk about it. If this isn't what Council wants, we'll bring that back to the Board of Health and we'll go from there.

Discussion continued briefly. Mr. Friendt made a final comment that he felt these recommendations coming from staff, in his opinion, was problematic. In the form of government that we have, staff can make recommendations, which are appreciated, but this body sets policy. And staff carries out policy. Again, this evokes an emotional reaction that suggests that there are people [staff] feeling that "Council does not know what they were doing, and we've got to come back at them again". Mr. Dart answered that that is not what was intended, at all.

Ms. Kielty commented that staff talked with her about their intent...they literally went back and looked at the tapes of the meetings to see the intent of those discussions. Mr. Dart indicated that there was no disrespect, at all, intended.

Ms. McRoy asked Mr. Dart, based on the conversation we've just had here, what will your next direction to staff be, in order to revise what was presented here today in a manner that mirrors the Council's intent, to present to the Board of Health. Mr. Dart commented that the current law mirrors the Council's intent. It looks like now that the only thing that we'll really bring back to the Board of Health is the request to add the permitting requirement. But he needed to sit down with the Mayor's office and with his staff to make sure they're all on the same page with that. That is where he saw things at this point.

Council agreed that the "under 18" language needed to be clarified. Ms. McRoy wanted Health Staff to expedite any drafting and keep it on schedule so we can keep the July 1st enforcement date. She would be curious what will be presented to the Board of Health from staff before it goes to the Board of Health. Mr. Dart stated that, based on this discussion, he could not say what would be brought forward. Council agreed that they would like the information by the April 6th Meeting.

Discussion continued briefly with explanation by Mr. Camp of his intent (and changes) with the "under 18" wordage. Mr. Svoboda observed that the 60/40 split had not necessarily been 60/40 percent food to alcohol, but alcohol to other revenue.

Mr. Svoboda stated that, in speaking with Health Department staff, he had told them that he felt the amendments that are being proposed or suggested here do change the intent of the ordinance as passed by Council. He reminded staff of that last week - that it would be extremely difficult to get any passage of the amendments as we saw them today...especially in eliminating the 60/40 split. He noted (in response to some facetious remarks from Council Members) that he was trying to recognize the majority opinion of the Council when he speaks to the Department as Council's liaison - even when he does not agree with the majority opinion. He does recognize that enforcement is going to be difficult as the Law Department and Health Department told us it would be.

Suggestions were made to wait the year to see how the special permit requests actually "shook out" before attempting any changes, if changes were even necessary.

Mr. Dart announced that the Annual Health Department Banquet is April 6th. He invited Council Members to attend.

6. MULTI-MODAL TRANSPORTATION STUDY (Newman/Werner) Mr. Werner reported that there had been a presentation by a consultant talking a lot about StarTran this time. This is just a piece of the multi-modal issues. But, he looked at ways that we could, perhaps, improve efficiency...but more importantly, perhaps, find dollars by working a lot harder with the University and serving the University community much better than we do. It was interesting. We added a meeting in June to the Task Force schedule. We should be having a preliminary draft in the next two months and then wrap things up by the middle of June.

Ms. Newman commented that on Monday night there had also been an open house that she and Mr. Werner had rushed over to attend after the Council meeting. We were able to be there for the last half hour. They presented to about 60 people. There were many people, including students there who were interested in improving the transit system.

OTHER MEETINGS - See Mr. Cook's remarks prior to Number 5 above.

Mr. Svoboda reported that he and Ms. Newman had attended a meeting last week which had been sponsored by NU Directions, which dealt with problematic areas of town as it relates to "Partying". This involved mostly students. NU Directions is going to put together a series of workshops in five different neighborhood locations. They would try to bring in a wide scope of people which would include students, landlords, renters, owners, liquor industry people, business people. It will be facilitated by Leadership Lincoln. Hopefully, out of that we'll have just a little bit better feel and dialogue as to what everybody puts up with.

Ms. Newman added that they're trying to develop strategies on how neighbors can deal with students in party houses, but the intent is to have "study circles". This would be a group of people sitting down and talking about the issues to see if they can't come up with strategies and then have a larger group review those findings after that.

Ms. McRoy noted that the first meeting would be in the North Bottoms. Ms. Newman added that there is an area north of town on North 14th & Superior that has a lot of problems and they do not have an organized neighborhood association. There will also be one in the Everett Neighborhood, Near South, 33rd Street - like Malone/Clinton area. Mr. Werner asked Mr. Svoboda and Ms. Newman to let the Council know when those meetings will be held. Mr. Svoboda stated that he would make sure that Council was aware of the schedule for these upcoming meetings.

Ms. McRoy reported that she had attended a meeting where former Mayor Helen Boosalis was in attendance. Ms. McRoy stated that Ms. Boosalis had asked about the current liquor mitigation ordinance. Ms. McRoy had visited with Ms. Boosalis about the former mayor's participation in many different changes in Lincoln's liquor laws - such as the "Blue Sunday" laws and other liquor law changes such as liquor by the drink. Ms. Boosalis had indicated that it hadn't been that hard. She had explained that at times groups were really active, then it had died out. Ms. McRoy just wanted to share that observation from a long-time political observer, so when we think we're having it rough...there are those who paved the road before us.

Mr. Camp commented that he wished they'd have paved it with gold, so we could tear it up and build more streets.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Kielty passed out a list of the upcoming Appointments to the Council Members. There was no discussion.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen reported on up-coming pre-councils. He noted that next week there will be the City Audit Pre-Council. There will be an Executive Session on Personnel Negotiations and Don Taute will give you a summary of what he expects will be coming up. There will be an EMS, Inc. update on their transition and how they're doing things. These would be half-hour meetings, so we would be starting around 9:30 a.m. There was brief discussion with approval of the above noted schedule.

Mr. Bowen commented that Don Herz and one of the mechanics from the Fire Department would be going to LIBA's budget meeting tomorrow morning to talk about leasing of equipment. He wanted Council to be aware of that.

Mr. Bowen stated that his last comment was discussion on the mitigation hearing that would be held this afternoon. One item that is "dangling" out there is the issue of trails. Planning Commission does have some [inaudible]. Mr. Werner asked if he was referring to Planning Commission or Planning Department? Mr. Bowen indicated that he was referring to the Planning Department.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS -

1. Discussion of Schools/Conferences Funding when Discretionary Funds are exhausted. Are there other avenues available - Steve Hubka to address budget options available (Miscellaneous Expense Account from Gen Fund/Gen Expense). (Specific concern regarding attendance for J. Camp who has been requested by the Chamber of Commerce to attend a Conference in May - representing the City Council). Mr. Camp explained that the Chamber of Commerce had requested him, as a Council Member, to attend a conference that they're having in May - the 1st to the 5th. He noted that normally, this would be a Discretionary Fund item, but this discussion would address what we would do when we're out of Discretionary Funds. He wanted to ask Council for some or all assistance to go to that conference to represent the City Council.

Mr. Camp explained that he had asked Mr. Hubka to come forward and explain what options other than Discretionary Funds were available to Council Members for use in such circumstance, because none of them had had to utilize these means because they had, up to this point, had their Discretionary funds.

Mr. Hubka explained that up until 2000-2001 we had budgeted money (\$10,000) in General Expense for Travel for this type of situation. If the Mayor was called to Washington for something, the money would be available. As you know, from our discussions of General Expense, in the past couple of summers, we've put a few dollars in different places so that we could meet some unanticipated needs. General Expense is an area that is used for the good of the whole City. He felt this trip, to lobby for money for the City, would meet that criteria. The Fund isn't budgeted specifically for Travel, it also includes such things as Miscellaneous/Other Services. He noted that that had been cut back quite a bit

from the prior year, but over-all in a 15.9 million dollar budget, a couple thousand dollars isn't going to break the bank here if Council chooses to send a representative to Washington.

Discussion ensued on this issue with comments that several Council Members have had to use their Discretionary Funds for such travel expenses with a concern as to whether it would be fair to have other members, who have used their Discretionary Funds for other purposes, to now ask for special funding. After this discussion with clarifying information, a motion was made by Glenn Friendt to authorize the funding for the Chair of the Council to attend the meeting. Mr. Svoboda seconded the motion. The motion was amended by Ms. McRoy to fund up to \$1,800 with the stipulation that Mr. Camp check with the Chamber to see how much of the trip costs they would subsidize. Mr. Friendt and Mr. Svoboda agreed to the amendment. The motion, as amended, carried by the following vote: AYES: Glenn Friendt, Jon Camp, Annette McRoy, Ken Svoboda; NAYS: Patte Newman, Jonathan Cook, Terry Werner.

ADDENDUM:

1. Discussion - Purchase of hp Laser Jet 1012 Printer for Mary - The printer from our office that she had been using as her desk-top printer is no longer functioning and parts are no longer available. Cori is investigating the purchase of the printer referenced in the attached material. This is an opportunity for your input and discussion. After a brief discussion, Ms. McRoy moved to purchase the printer in cooperation with the County Board in a 50/50 split of expenses. Mr. Svoboda seconded the motion which carried 5-2 by the following vote: AYES: Jonathan Cook, Glenn Friendt, Jon Camp, Annette McRoy, Ken Svoboda; NAYS: Patte Newman, Terry Werner.

2. The Ticket Validation Process. (Requested by Jon Camp) In a brief discussion, Mr. Camp expressed concerns on the eventual charges to be levied against the Departments according to the percentage of tickets issued, with Council having to budget a large amount of money from their own budget to cover such an expense. Mr. Camp indicated that this would be brought up at the next Public Building Commission. Until that time, Council Members agreed that Council would not validate parking tickets. Some members noted that Omaha does not validate parking tickets at all. It was suggested that the amount be lowered from the current \$5.00 flat fee to a fee in conformance to those fees charged at the other City owned parking facilities. Mr. Roper noted that the south lot is not open to the public, but after 5:30 p.m., the prohibition would not be enforced in order to allow for public parking at the night meetings.

With the Public Building Commission to investigate this matter further, Glenn Friendt moved that Council not offer validation tickets to the public. This motion was seconded by Patte Newman and carried by the following vote: AYES: Patte Newman, Glenn Friendt, Jon Camp, Annette McRoy, Ken Svoboda; NAYS: Jonathan Cook; ABSENT FOR VOTE: Terry Werner

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE MCROY - Ms. McRoy asked about the Memo regarding Honorariums and Speaking Fees. It was explained that the money received by Council Members for such engagements would be submitted to the City Budget Office if the presentation was made in conjunction with their position on the Council. If the presentation was of a personal nature, the Council Member could keep the money.

Mr. Svoboda asked how that related to a dinner or a lunch if you're invited to speak at an event as a Council Member and they "comp" you for your lunch? Mr. Roper said the lunch would be okay as being incidental. Mr. Camp asked if dinner were incidental, too? Mr. Roper responded "supper" only'. [Laughter]

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:20 p.m.

031504/jvr