

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 26, 2012 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Schimek; City Clerk, Joan E. Ross.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of March 19, 2012 reported having done so, found same correct.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PUBLIC HEARING

ANNEXATION NO. 12001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59 ACRES GENERALLY LOCATED WEST OF NORTH 14TH STREET BETWEEN MORTON STREET AND HILLTOP ROAD - Marvin Krout, Director of Planning, came forward to clarify the annexation. He said about half of the 60 acres is a recently approved special permit for a Girl Scout environmental education center. Mr. Krout said access will be allowed from both Morton Street and Hilltop Road.

This matter was taken under advisement.

CHANGE OF ZONE NO. 3310A - DESIGNATING THE HAYMARKET PARK SIGN DISTRICT AS AN OVERLAY SPECIAL SIGN DISTRICT AND AMENDING THE EXISTING HAYMARKET PARK SPECIAL SIGN DISTRICT TO EXPAND THE AREA OF THE DISTRICT; TO CLARIFY THAT SIGNAGE WILL BE IN ACCORDANCE WITH THE I-1 INDUSTRIAL DISTRICT; TO ALLOW AN ADDITIONAL SIGN AS PART OF THE SPECIAL SIGN PACKAGE; AND TO CLARIFY THAT OFF-PREMISES SIGNS WILL NOT BE PERMITTED, ON PROPERTY GENERALLY LOCATED AT NORTH 6TH STREET AND CHARLESTON STREET, BETWEEN I-180 AND SUN VALLEY BOULEVARD - Marvin Krout, Director of Planning, came forward to state that an original special sign district was approved back in 2001 to create sign standards for the overall development of the ballpark area. A new sign requested by developers will bridge the area between the practice facility and the ballpark area - east facing towards I-80. Mr. Krout said it is a very tasteful sign and is in keeping with the context of the very large Haymarket Park area. He said a basic idea is to set up sign rules for future developments.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11044 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-7 RESIDENTIAL DISTRICT, FROM R-7 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM P PUBLIC USE DISTRICT AND I-1 INDUSTRIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 16 STREET BETWEEN R STREET AND VINE STREET AND AT NORTH 17TH STREET AND VINE STREET - Marvin Krout, Director of Planning, came forward to state this change of zone came about when one Greek row house on the edge of UNL City Campus inquired about the process to expand their building. Mr. Krout believed when massive rezoning of the City took place 40 years ago, some errors occurred. He said efforts are being made to get boundary lines between UNL and Delta Tau Fraternity resolved.

This matter was taken under advisement.

APPROVING THE RENEWAL OF TWO UNIT PRICE CONTRACTS BETWEEN THE CITY, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND IMAGESCAPES, INC. AND LANOHA NURSERIES FOR MISCELLANEOUS LANDSCAPING INSTALLATION AND MAINTENANCE SERVICE FOR ADDITIONAL TWO-YEAR TERMS;

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND O'KEEFE ELEVATOR COMPANY, INC. FOR ELEVATOR SERVICE, MAINTENANCE AND TESTING, PURSUANT TO BID NO. 11-206, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM - Bob Walla, Asst. Purchasing Agent, came forward to answer questions on the multi-year contracts. In response to questions, Mr. Walla said he would supply Council with details of the original bid to identify original responders.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MARK LONG TO THE FIRE SPRINKLER AND CHEMICAL EXAMINING BOARD FOR A TERM EXPIRING NOVEMBER 24, 2013 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86732 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Mark Long to the Fire Sprinkler and Chemical Examining Board for a term expiring November 24, 2013 is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REAPPOINTING JIM MCKEE, TIM FRANCIS AND GREG MUNN TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86733 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Jim McKee, Tim Francis and Greg Munn to the Historic Preservation Commission for terms expiring April 15, 2015 is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FISCAL YEAR 2010-2011 - CLERK read the following resolution, introduced by DiAnna Schimek.

EMERY Moved its adoption:

A-86734 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by DiAnna Schimek

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF FEBRUARY, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 12, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 12006 - Requested by the Lancaster County Agricultural Society, Inc. for the excavation of soil on property generally located at N. 84th Street and Havelock Avenue.

Special Permit No. 12007 - Requested by Olsson Associates, Cedar Cove Townhomes Community Unit Plan, for approximately 12 lots with 12 dwelling units with a waiver request to reduce the rear yard setback for decks on Lots 1-10, Block 3, on property generally located at N. 91st Street and Leighton Avenue.

Special Permit No. 12008 - Requested by Doug Daize for the sale of alcohol for consumption on and off the premises on property generally located at S. 48th Street and Van Dorn Street (2548 S. 48th Street).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver No. 11025 to Final Plat No. 99039 approved by the Planning Director on March 13, 2012 requested by Quin-C, Inc. for a waiver to extend the time for two years to install the required paving in Crosscut Lane in Black Forest Estates Addition. The improvements shall be completed by March 13, 2014. Property is generally located at S. 62nd St. and Old Cheney Road.

Waiver No. 11013 to Final Plat No. 04093 approved by the Planning Director on March 14, 2012 requested by Manzitto, Inc. for a waiver to extend the time for two years to install the required sidewalks and street trees in Himark Estates 9th Addition. The improvements shall be completed by March 14, 2014. Property is generally located at S. 90th St. and Old Cheney Road.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

ANNEXATION NO. 12001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59 ACRES GENERALLY LOCATED WEST OF NORTH 14TH STREET BETWEEN MORTON STREET AND HILLTOP ROAD - CLERK read an ordinance, introduced by Adam Hornung, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE NO. 3310A - DESIGNATING THE HAYMARKET PARK SIGN DISTRICT AS AN OVERLAY SPECIAL SIGN DISTRICT AND AMENDING THE EXISTING HAYMARKET PARK SPECIAL SIGN DISTRICT TO EXPAND THE AREA OF THE DISTRICT; TO CLARIFY THAT SIGNAGE WILL BE IN ACCORDANCE WITH THE I-1 INDUSTRIAL DISTRICT; TO ALLOW AN ADDITIONAL SIGN AS PART OF THE SPECIAL SIGN PACKAGE; AND TO CLARIFY THAT OFF-PREMISES SIGNS WILL NOT BE PERMITTED, ON PROPERTY GENERALLY LOCATED AT NORTH 6TH STREET AND CHARLESTON STREET, BETWEEN I-180 AND SUN VALLEY BOULEVARD - CLERK read an ordinance, introduced by Adam Hornung, designating the Haymarket Park Sign District as an Overlay Special Sign District on property generally located at North 6th Street and Charleston Street, between I-180 and Sun Valley Boulevard, in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the second time.

CHANGE OF ZONE NO. 11044 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-7 RESIDENTIAL DISTRICT, FROM R-7 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM P PUBLIC USE DISTRICT AND I-1 INDUSTRIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 16 STREET BETWEEN R STREET AND VINE STREET AND AT NORTH 17TH STREET AND VINE STREET - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86735 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated March 15, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

Jill Clarey \$2,059.21

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REGULAR MEETING

March 26, 2012

Page 750

APPROVING THE RENEWAL OF TWO UNIT PRICE CONTRACTS BETWEEN THE CITY, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND IMAGESCAPES, INC. AND LANOHA NURSERIES FOR MISCELLANEOUS LANDSCAPING INSTALLATION AND MAINTENANCE SERVICE FOR ADDITIONAL TWO-YEAR TERMS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86736 WHEREAS, on April 5, 2010, the City adopted Resolution No. A-85801 approving two Unit Price Contracts between the City, Lancaster County, Public Building Commission and Lanoha Nurseries and ImageScapes, Inc. for miscellaneous landscaping installation and maintenance service for two-year terms with options to renew each contract for one additional two-year term; and

WHEREAS, the City desires to exercise its option to renew each of the contracts for one additional two-year term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That renewal of the two attached Unit Price Contracts between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Lanoha Nurseries and ImageScapes, Inc., for miscellaneous landscaping installation and maintenance service, for two-year terms, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND O'KEEFE ELEVATOR COMPANY, INC. FOR ELEVATOR SERVICE, MAINTENANCE AND TESTING, PURSUANT TO BID NO. 11-206, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM - CLERK read the following resolution, introduced by Adam Hornung.

EMERY Moved its adoption:

A-86737 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the multi-year contract between the City of Lincoln, Lancaster County and O'Keefe Elevator Company, Inc. for elevator service, maintenance and testing, pursuant to RFP Bid No. 11-206, for a four year term with the option to renew for one additional four year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None; ABSTAIN: Hornung.

APPROVING AN ADVERTISING AGREEMENT BETWEEN SMG, AS AGENT FOR THE CITY OF LINCOLN PERSHING MUNICIPAL AUDITORIUM, AND PRESCOTT VENTURES INC. DBA JIMMY JOHN'S FOR ADVERTISING ON ELECTRONIC SIGNS AT PERSHING AUDITORIUM FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86738 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and
WHEREAS, two exterior animated programmable electronic message systems, one interior animated programmable electronic message system, a four-sided scoreboard in the main arena, and lobby signage are located at said auditorium; and

WHEREAS, Jimmy John's, 101 North 14th Street, Suite 2, Lincoln, NE 68508, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Jimmy John's.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Jimmy John's, under which Jimmy John's is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a two-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Jimmy John's, Attn: Brian Giles, 101 North 14th Street, Suite 2, Lincoln, NE 68508.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING AN ADVERTISING AGREEMENT BETWEEN SMG, AS AGENT FOR THE CITY OF LINCOLN PERSHING MUNICIPAL AUDITORIUM, AND LINPEPCO FOR ADVERTISING ON ELECTRONIC SIGNS AT PERSHING AUDITORIUM FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86739 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and WHEREAS, two exterior animated programmable electronic message systems, one interior animated programmable electronic message system, and one hung area scoreboard are located at said auditorium; and

WHEREAS, LINPEPCO Partnership, 1901 Windhoek Drive, Lincoln, NE 68512, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to LINPEPCO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and LINPEPCO Partnership, under which LINPEPCO is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a two-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to LINPEPCO Partnership, Attn: David Woll, 1901 Windhoek Drive Lincoln, NE 68512.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

ANNEXATION NO. 11004 - AMENDING ORDINANCE NO. 19672 PASSED ON FEBRUARY 6, 2012 TO CORRECT THE LEGAL DESCRIPTION REGARDING THE ANNEXATION OF APPROXIMATELY 418 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET, NORTH OF SUPERIOR STREET, TO CONFORM WITH THE LEGAL DESCRIPTION TO THE CORPORATE LIMITS MAP ATTACHED TO ORDINANCE NO. 19672 - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 19672, passed by the City Council of the City of Lincoln, Nebraska, on February 6, 2012 to correct the legal description regarding the annexation of approximately 418 acres of property generally located at North 48th Street, north of Superior Street, to conform the legal description to the Corporate Limits Map amendment shown on Attachment "A" to Ordinance No. 19672, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19691, is recorded in Ordinance Book #27, Page .

APPROVING THE WEST HAYMARKET REDEVELOPMENT AGREEMENT BETWEEN TDP PHASE ONE LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86740 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached West Haymarket Redevelopment Agreement between the City of Lincoln and TDP Phase One LLC, relating to the redevelopment of property generally located between 7th and the future Pinnacle Arena Drive, and Q and R Streets, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Hallie Salem, Urban Development Department, for transmittal to TDP Phase One LLC.

Introduced by Carl Eskridge

Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSTAIN: Camp.

REGULAR MEETING

March 26, 2012

Page 752

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$7,385,000 IN TIF FUNDS FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86741 WHEREAS, Resolution No. A-86471, adopted by the City Council of Lincoln, Nebraska on August 22, 2011, adopted the fiscal year 2011-2012 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86471 as Schedule No. 5; and

WHEREAS, Resolution No. A-86471 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-84603, adopted by the City Council for the City of Lincoln, approved the West Haymarket Redevelopment Project as an approved project within the Lincoln Center Redevelopment Plan; and

WHEREAS, a capital improvement project for the West Haymarket Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2011-2012; and

WHEREAS, the City desires to amend the first year (2011-2012) of the Fiscal Year 2011/2012 - 2016/2017 Six Year Capital Improvement Program (CIP) to establish a project for the West Haymarket Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the West Haymarket Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of the review of the Lincoln Center Redevelopment Plan approved by Resolution No. A-84603; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the implementation of the West Haymarket Redevelopment Project to construct 92,500 square feet of residential units, 15,000 square feet of office space, 49,000 square feet of retail space (Residential, Retail and Office Improvements) and an approximately 110 room hotel with first floor retail and two upper floors of residential or office space (Hotel Improvements) on property generally located between 7th Street and the future Pinnacle Arena Drive and R Street and Q Street in the West Haymarket, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86471 be amended by adding the TDP - West Haymarket Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$7,385,000 from Tax Increment Financing for this West Haymarket Redevelopment Project.

Introduced by Carl Eskridge

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSTAIN: Camp.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$7,385,000 FOR THE CITY OF LINCOLN WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12) - CLERK read an ordinance, introduced by Carl Eskridge, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$7,385,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's West Haymarket Redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds, Notes or other obligations; pledging certain tax

revenue and other revenue to the payment of the principal of and interest on the Bonds, Notes or other obligations as the same become due; limiting payment of the Bonds, Notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds, Notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSTAIN: Camp.

The ordinance, being numbered #19692, is recorded in Ordinance Book #27, Page .

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF WATER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,000,000 TO REFUND OUTSTANDING WATER REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, Fourth Series Ordinance adopted under and pursuant to Ordinance No. 18088 authorizing the issuance of Water Revenue Refunding Bonds, Series 2012, of the City of Lincoln, Nebraska in a principal amount not to exceed thirteen million dollars (\$13,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the first time.

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$44,000,000 TO REFUND OUTSTANDING SANITARY SEWER REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, Fourth Series Ordinance adopted under and pursuant to Ordinance No. 18171 authorizing the issuance of Sanitary Sewer Revenue Refunding Bonds, Series 2012, of the City of Lincoln, Nebraska in a principal amount not to exceed forty-four million dollars (\$44,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "FIREFIGHTER PARAMEDIC," "FIREFIGHTER" AND "FIRE APPARATUS OPERATION" - CLERK read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 18970 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "F," by creating the job classifications of "Firefighter Paramedic (2080 Hours)," "Firefighter (2080 Hours)," and "Fire Apparatus Operator (2080 Hours)," the first time.

APPROVING AMENDMENT NO. 3 TO THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LEWIS-STAROSTKA, INC., 3AP-SE, LLC, MIDWEST NET LEASE INVESTORS-SE, LLC, CALRUBY, LLC, AND THE CITY OF LINCOLN, NEBRASKA TO DEFER THE TIMING OF CONSTRUCTION OF THE YANKEE HILL ROAD ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD FROM DECEMBER 31, 2012 TO DECEMBER 31, 2014 (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12)

ANNEXATION NO. 11005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read an ordinance, introduced by DiAnna Schimek, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05068B - APPLICATION OF R.C. KRUEGER DEVELOPMENT TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT TO ADD APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD AND APPROVE A CHANGE OF ZONE OVER SAID 36 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT UNDER A PLANNED UNIT DEVELOPMENT DESIGNATION IN ORDER

REGULAR MEETING

March 26, 2012

Page 754

TO ADD APPROXIMATELY 265,000 SQ. FT. OF COMMERCIAL FLOOR AREA UNDER THE PLANNED UNIT DEVELOPMENT (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S ADA/SECTION 504 COORDINATOR FOR PURPOSES OF THE CITY'S ADA/SECTION 504 CIVIL RIGHTS POLICY.

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S TITLE VI COORDINATOR FOR PURPOSES OF THE CITY'S TITLE VI CIVIL RIGHTS PLAN.

APPROVING THE TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE OF THE CITY.

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$183,569.00 IN TIF FUNDS FOR CONSTRUCTION OF SIDEWALKS, STREET REHAB AND STREET LIGHTS ON YOLANDE AVENUE AND 20TH STREET IN THE YOLANDE AVENUE REDEVELOPMENT AREA.

OPEN MICROPHONE

Mike Morosin, 1500 N. 15th St., came forward to comment on the use of wells located east of Lincoln Children's Zoo near the Parks & Recreation Department facility. He requested that more information be released to the public on water toxicology reports and taxpayer costs.

This matter was taken under advisement.

Jackie England, address not given, came forward to state she is in favor of amending the 28th Amendment to the Constitution to firmly establish that money is not speech and that human beings, not corporations, are persons entitled to Constitutional rights.

This matter was taken under advisement.

Tom Tetherow, 3118 Shirley Court, came forward to address the issue of parking enforcement on holidays. He believes that since Martin Luther King Day is a national holiday, it should be considered in the City's listing of non-enforcement days.

This matter was taken under advisement.

Jane Svoboda, address not given, came forward to comment on various issues.

This matter was taken under advisement.

ADJOURNMENT 6:07 P.M.

CAMP

Moved to adjourn the City Council meeting of March 26, 2012.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant