

**IN LIEU OF
DIRECTORS' MEETING
MAY 21, 2012**

I. CITY CLERK

II. MAYOR

1. NEWS RELEASE. Mayor presents April Award of Excellence to Michael Kennedy.
2. NEWS RELEASE. Cable outage to effect 5 City-TV telecasts.
3. NEWS ADVISORY. Mayor Beutler, SMG, Lincoln Chamber of Commerce, and Lincoln Convention and Visitors Bureau will hold a news conference Wednesday, May 16, 2012, 10 a.m., 555 S. 10th, to discuss the management and operations of the Pinnacle Bank Arena.
4. NEWS RELEASE. City, SMG agree to terms on Pinnacle Bank Arena management.
5. NEWS RELEASE. Cable outage issues continue to affect 5 City-TV telecasts.
6. NEWS ADVISORY. The Mayor and Lincoln Water System officials, and members of the Water Conservation Task Force will hold a news conference on Thursday, May 17, 10 a.m. at 555 S. 10th Street to recognize the winners of the Mayor's Water Conservation Task Force's annual poster contest.
7. NEWS RELEASE. Public urged to take note of temporary no parking areas for Biketacular event.
8. NEWS RELEASE. Mayor not recommending watering restrictions.
9. NEWS RELEASE. Mayor announces winners of annual Water Conservation Art Contest.

III. DIRECTORS

PLANNING COMMISSION

1. Planning Commission action on the CIP and TIP, May 9, 2012.
2. Minutes of the Special Public Hearing held by the Lincoln-Lancaster County Planning Commission on May 9, 2012.
3. Action by the Planning Commission, May 16, 2012.

PLANNING DEPARTMENT

1. Support letter for Waiver No. 12004, Bill #12R-97, First Reading on 05.21.12.
2. Administrative Approvals by the Planning Director from May 8, 2012 through May 14, 2012.

IV. COUNCIL MEMBERS

V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS

1. Pat Tetreault. Vote yes for the Fairness Ordinance.
2. Tami Damian. Vote for the Fairness Ordinance.
3. Joyce Besch. Support the Fairness Ordinance.
4. Kim Coleman. Pass the Fairness Ordinance.
5. Ben Mattern. Against the Fairness Ordinance.
6. Jean Helms. Support the Fairness Ordinance.
7. Karri Sanderson. Do support the Fairness Ordinance.
8. Alan and Anna Hansen. Vote no on the Fairness Ordinance.

9. Desiree Nicole Wright. Support the Fairness Ordinance.
 10. Mike Growcock. Support te Fairness Ordinance.
 11. Sean Schmeits. Vote to support the Fairness Ordinance.
 12. Sidney Staats. Comments regarding the Fairness Ordinance.
 13. Gerise Herndon. Vote for the Fairness Ordinance.
 14. Rich and Dixie Justus. Oppose the Fairness Ordinance.
 15. Kathleen M. Hueser. Pass the Fairness Ordinance.
 16. Colette M. Polite. Support the Fairness Ordinance.
 17. Joan Anderson. Vote yes on the Fairness Ordinance.
 18. Rita Shriner. Support the Fairness Ordinance.
 19. Colene Walker. Support the Fairness Ordinance.
 20. Cindy Searcey. Do support the Fairness Ordinance.
 21. Michael Johnson. Support the Fairness Ordinance.
 22. Marianne McHann. Do not support the Fairness Ordinance.
 23. Rachel Pokors. Pass the Fairness Ordinance.
 24. Stephen W. May. Vote against the Fairness Ordinance.
 25. Elmer and Jane Wemhoff. Opposed to the Fairness Ordinance.
- (NOTE: The above 25 emails given to City Council Members before May 14, 2012 meeting)
26. Joan Anderson. Thank you for passing the Fairness Ordinance.
 27. Mike Parks. Thank you for doing what is right.
 28. Susan Goodrich. Support the Fairness Ordinance.
 30. Vicki Miller. Do support the Fairness Ordinance.
 31. Rodger Harris. Vote for the Fairness Ordinance.
 32. Phone Messages:
 - a) Alan Moore. The Fairness Ordinance will be on the ballot.
 33. Letter from the Lincoln Haymarket Development Corporation supporting the amendment to the Entertainment Center/Old Federal Building District in the Lincoln Center Redevelopment Plan.

VII. ADJOURNMENT

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 14, 2012

FOR MORE INFORMATION: David Norris, Citizen Information Center, 441-7547

MAYOR PRESENTS APRIL AWARD OF EXCELLENCE

Mayor Chris Beutler today presented the Mayor's Award of Excellence for April to Michael Kennedy, a StarTran Bus Operator in the Public Works and Utilities Department. The monthly award recognizes City employees who consistently provide exemplary service and work that demonstrates personal commitment to the City. The award was presented at the beginning of today's City Council meeting.

Kennedy has worked for the City since December 2009. StarTran Transit Manager Larry Worth nominated him in the categories of customer relations and valor for helping a citizen in danger. On February 18 of this year, Kennedy was driving his bus near St. John's Catholic Church at 76th and Vine when he saw a man in a motorized wheelchair stuck in the mud and tipping sideways. He stopped the bus, turned on the flashers and crossed the street to help the man safely cross the street before continuing his route. Kennedy's actions may have prevented the man from being injured from his chair tipping over completely.

Laverne and Shirley Stetson who live near the church, observed Kennedy's actions and reported them to StarTran. They commended the driver and said they were very proud of him, writing, "We were privileged to watch the 'Good Samaritan'." Worth said Kennedy's actions were above and beyond the call of duty and that StarTran was proud to have excellent employees like him.

The other categories in which employees can be nominated are productivity, loss prevention and safety. Consideration also may be given to nominations that demonstrate self-initiated accomplishments or those completed outside of the nominee's job description. All City employees are eligible for the Mayor's Award of Excellence except for elected and appointed officials. Individuals or teams can be nominated by supervisors, peers, subordinates and the general public. Nomination forms are available at lincoln.ne.gov (keyword: personnel) or from department heads, employee bulletin boards or the Personnel Department, which oversees the awards program.

All nominations are considered by the Mayor's Award of Excellence Committee, which includes a representative with each union and a non-union representative appointed by the Mayor. Award winners receive a \$50 U.S. savings bond, a day off with pay and a plaque. All monthly winners and nominees are eligible to receive the annual award, which comes with a \$250 U.S. savings bond, two days off with pay and a plaque.

OFFICE OF THE MAYOR

Citizen Information Center, 555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 15, 2012

FOR MORE INFORMATION: Bill Luxford, 5 CITY-TV, 402-441-6688

CABLE OUTAGE TO EFFECT 5 CITY-TV TELECASTS

West Haymarket JPA, County Board meetings available on-line

The 5 CITY-TV telecast of the West Haymarket Joint Public Agency (JPA) meeting at 3 p.m. and the County Board meeting at 5 p.m. today will not be seen live on Time Warner Cable channel 5 due to a Time Warner Cable outage at the County-City Building as well as other parts of Lincoln.

The JPA and the County Board meetings will be available **live** on-line on the City website lincoln.ne.gov (click on the 5 CITY-TV icon) and later tonight through Video on Demand.

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: May 15, 2012

FOR MORE INFORMATION: David Norris, Citizen Information Center, 402-441-7547

Mayor Chris Beutler will be joined by representatives of SMG, the Lincoln Chamber of Commerce and the Lincoln Convention and Visitors Bureau at a news conference at **10 a.m. Wednesday, May 16, 2012** in **room 303** of the **County-City Building, 555 S. 10th St.**

The Mayor will discuss the management and operations of the new Pinnacle Bank Arena.

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 16, 2012

FOR MORE INFORMATION: Trish Owen, Mayor's Office, 402-441-7511

Tom Lorenz, Pershing Center, 402-441-8744

**CITY, SMG AGREE TO TERMS ON
PINNACLE BANK ARENA MANAGEMENT**

Mayor Chris Beutler today announced that the City of Lincoln and SMG have reached an agreement for the operation of the new Pinnacle Bank Arena. SMG currently manages and operates Pershing Center in Lincoln.

“This new agreement goes beyond just the operation of the new arena,” said Mayor Beutler. “We have tapped into the entertainment programming expertise of Tom Lorenz and SMG and have added some additional City venues in this contract for SMG to manage for us.”

In addition to events at the Pinewood Bowl in Pioneers Park, SMG will manage and program the festival space located northwest of the new arena.

At a news conference to announce the deal, Mayor Beutler thanked Tom Lorenz, General Manager of the Pershing Center, for the valuable assistance he and SMG provided the City during the early stages of the process. “Their input and insight into the design and operational issues was invaluable,” said Beutler. “You certainly want to make sure the elephants fit through the doors.”

SMG will be responsible for booking, operations, maintenance, food service, recycling, promotion, website, ticketing and some of the parking.

“SMG is honored to be chosen to manage Lincoln’s premier entertainment venue,” said Lorenz. “We are confident that SMG’s leadership position in the facility management industry and our local staff’s excellent relationship with City and University staff will result in a successful and well operated arena that will be a source of pride for Lincoln and southeast Nebraska.”

OFFICE OF THE MAYOR

Citizen Information Center, 555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 16, 2012

FOR MORE INFORMATION: Bill Luxford, 5 CITY-TV, 402-441-6688

CABLE OUTAGE ISSUES CONTINUE
TO AFFECT 5 CITY-TV TELECASTS

All live programming available on-line

All scheduled “live” programming on 5 CITY-TV (Time Warner Cable channel 5) will be available on-line only until further notice. This includes today’s Lincoln-Lancaster County Planning Commission meeting at 1 p.m.

Viewers can access live 5 CITY-TV programming on the City website lincoln.ne.gov (click on the 5 CITY-TV icon) and at a later time through Video on Demand.

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

DATE: May 16, 2012

FOR MORE INFORMATION: David Norris, Citizen Information Center, 402-441-7547

Mayor Chris Beutler will be joined by Lincoln Water System (LWS) officials and members of the Mayor's Water Conservation Task Force at a news conference at **10 a.m. Thursday, May 17** in **room 303** at the **County-City Building, 555 S. 10th St.**

The Mayor will recognize the winners of the Mayor's Water Conservation Task Force's annual poster contest for fifth graders and discuss the status of the City's water supply and water conservation efforts.

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 901 West Bond, Suite 100, Lincoln, NE 68521, 402-441-7701

FOR IMMEDIATE RELEASE: May 16, 2012

FOR MORE INFORMATION: Randy Hoskins, Public Works, 402-450-1216

Jon Carlson, Stronger Safer Neighborhoods, 402-441-7224

**PUBLIC URGED TO TAKE NOTE OF TEMPORARY NO PARKING
AREAS FOR BIKETACULAR EVENT**

Citizens attending Saturday's Biketacular event are urged to take note of several temporary "no parking" around the State Capitol. Effective at 6 a.m. Saturday, May 19, parking will be prohibited on the following streets:

- Goodhue Blvd. (both sides) from "E" to "H" streets
- 14th Street (both sides) from "E" to "H" streets
- "E" Street (both sides) from 14th Street to Goodhue Blvd.
- "F" Street (both sides) from 14th Street to Goodhue Blvd.
- "F" Street (north side) from Goodhue Blvd. to 16th Street
- "G" Street (both sides) from 14th to 16th Street
- "H" Street (both sides) from 14th to Goodhue Blvd.

Parking will again be allowed following the completion of the event.

Event and neighborhood parking is available at the State parking lot south of the State Capitol beginning at 5:30 p.m. Friday.

Event sponsors, including the Near South and Everett Neighborhood Associations, are asking for the cooperation of citizens by asking them to move their cars for this popular community event. Empty streets are needed, not only for the event, but also to enable City Public Works crews to sweep and clean the streets; repair potholes and patch cracks; and place safety barricades.

"We appreciate the cooperation of the citizens to allow us the opportunity to clean and improve the neighborhood while, at the same time, supporting this outstanding community event," said Miki Esposito, Public Works and Utilities Director.

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 17, 2012

FOR MORE INFORMATION: Jerry Obrist, Lincoln Water System, 402-441-7571

MAYOR NOT RECOMMENDING WATERING RESTRICTIONS

As the warmer months approach, Mayor Chris Beutler said watering restrictions will not be necessary because the City's water supply is in good shape. This is the third consecutive year the Mayor is not asking residents to follow the voluntary designated-day watering schedule implemented nine years ago.

"We need to practice good water conservation measures even though Lincoln continues to be blessed with an adequate supply of high-quality water," said Mayor Beutler. "We also want to remind residents that the more water you use, the higher the rate and cost. Lincoln Water System rates are structured to encourage conservation. Relatively small conservation measures can save a lot of water, and that means lower water bills for consumers."

Jerry Obrist, Lincoln Water System (LWS) Chief Engineer, said precipitation is near normal levels, the aquifer is almost full and flows in the Platte River are slightly below normal. Lincoln's water comes from well fields along the Platte near the City's Ashland treatment plant. LWS will continue to utilize electricity in the off-peak period at the plant and select pumping stations to manage electricity consumption to the lowest level possible to conserve energy and reduce electrical costs.

Obrist said the City is currently reviewing its water rate structure and its schedule for the replacement of aging infrastructure. "We must ensure that the system always has the capacity for fire protection and basic health needs," Obrist said. "Many factors must be taken into account, including metering and meter replacement; billing, hydrant repair and replacement; and maintenance and replacement of our current infrastructure. And we must have resources to build new infrastructure to meet the needs of a growing city."

A complete description of water rates and the City's Water Management Plan are available on the City website, lincoln.ne.gov (keyword: water). The Mayor's Water Conservation Task Force recommends the following:

- Water during the cool part of the day, and don't water in windy conditions.
- Install a rain sensor device on automatic sprinklers.
- Adjust sprinklers to water only the lawn, and not the sidewalk or street.
- Use a broom, not a hose and water, for outdoor cleaning.
- Wash your car with a pail of soapy water, using the hose only to rinse the car.

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 17, 2012

FOR MORE INFORMATION: David Norris, Citizen Information Center, 402-441-7547

Jerry Obrist, Lincoln Water System, 402-441-7571

**MAYOR ANNOUNCES WINNERS OF ANNUAL
WATER CONSERVATION ART CONTEST**

Mayor Chris Beutler today announced the winners of the annual water conservation poster contest. Lincoln fifth-graders participated in the art contest, sponsored by the Mayor's Water Conservation Task Force. The top two entries were submitted by Jalyn Colon, Pyrtle Elementary School, whose artwork will be displayed on a StarTran busboard; and Cole Becker, Morley Elementary School, whose artwork will be displayed on billboards at various Lincoln locations.

“Over the years, this poster contest has helped remind the public that we all have a role to play in water conservation,” said Mayor Beutler. “Our Water Conservation Task Force has helped establish and nurture good water conservation practices for our young citizens and together they help promote the value of our natural resources for future generations.”

The third-place winner was McKenzie Steiner of Fredstrom Elementary. Honorable mention awards were presented to Amy Ernst, Pyrtle Elementary; Lindsey Ha, Sacred Heart Elementary; Allison Bartz, Ruth Hill Elementary; Sophia Duggan, Sacred Heart Elementary; Riley Struve, Kahoa Elementary; Whitney Reinmiller, Morley Elementary; and McKenzie White, Kahoa Elementary.

**** ACTION BY PLANNING COMMISSION ****
May 9, 2012

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a special public hearing on Wednesday, May 9, 2012, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, May 9, 2012, from 11:45 a.m. - 12:45 p.m. in Room 113 of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a briefing by staff on “2012 Community Indicators Report” and “LPlan Draft Action Strategies”.

AGENDA

WEDNESDAY, MAY 9, 2012

[All members present]

SPECIAL PUBLIC HEARING AND ACTION:

- Page 01
1. The Planning Commission Review Edition of the City of Lincoln’s draft six year **Capital Improvements Program (CIP)** for FY 2012/2013 - 2017/2018. **Staff Planner: David Cary, 441-6364, dcary@lincoln.ne.gov**
Had public hearing.
Planning Commission recommendation: A FINDING OF FULL OR GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN, with the exception of Public Works & Utilities, Streets and Highways, Project #0665, Pedestrian and Bicycle Capital Program, which the majority of the Commission found not to be in conformance with the Comprehensive Plan (6-3: Cornelius, Esseks, Lust, Butcher, Gaylor Baird and Francis voting ‘yes’; Weber, Hove and Sunderman voting ‘no’.

 2. The draft FY2013-2016 **Transportation Improvements Program (TIP)** for the Lincoln Metropolitan Planning Organization (MPO). **Staff Planner: Michael Brienzo, 441-6369, mbrienzo@lincoln.ne.gov**
Had public hearing.
Planning Commission recommendation: A FINDING OF GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN AND THE MPO LONG RANGE TRANSPORTATION PLAN, 9-0.
- Page 15

Planning Dept. staff contacts:

Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	....	shenrichsen@lincoln.ne.gov
Nicole Fleck-Tooze, <i>Long Range Planning Manager</i>	402-441-6363	.....	ntooze@lincoln.ne.gov
Michael Brienzo, <i>Transportation Planner</i>	402-441-6369	.....	mbrienzo@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662	.....	tcajka@lincoln.ne.gov
David Cary, <i>Planner</i>	402-441-6364	.....	dcary@lincoln.ne.gov
Christy Eichorn, <i>Planner</i>	402-441-7603	.....	ceichorn@lincoln.ne.gov
Brandon Garrett, <i>Planner</i>	402-441-6373	....	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361	....	slhageman@lincoln.ne.gov
Sara Hartzell, <i>Planner</i>	402-441-6371	....	shartzell@lincoln.ne.gov
Rashi Jain, <i>Planner</i>	402-441-6372	....	rjain@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	....	bwill@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360	ezimmer@lincoln.ne.gov

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

MEMORANDUM

TO: Mayor's Capital Improvements Advisory Committee
Mayor Chris Beutler
Rick Hoppe, Trish Owen
Marvin Krout, Nicole Fleck-Tooze, David Cary, Sara Hartzell
Steve Hubka
Miki Esposito

FROM: Jean Preister, Planning 

DATE: May 16, 2012

SUBJECT: FY 2012/13 - 2017/18 Capital Improvements Program
FY 2013-2016 Transportation Improvement Program

cc: City Council
Mike Brienzo, Planning
Rod Confer, City Attorney
Don Thomas, County Engineer
Planning Commission

I hereby respectfully submit for your information the Minutes of the Special Public Hearing held by the Lincoln-Lancaster County Planning Commission on May 9, 2012, on the ***FY 2012/13 - 2017/18 City of Lincoln Capital Improvements Program*** and the ***FY 2013-2016 Transportation Improvement Program***. The letter submitted by the Chair of the Mayor's Pedestrian/Bicycle Advisory Committee and the e-mail submitted by Rosina Paolini regarding the Sidewalk Maintenance and Repair Program and the Pedestrian and Bicycle Capital Program are attached to the minutes.

On May 9, 2012, the majority of the Planning Commission agreed with the staff recommendation and voted 6-3 to find the draft CIP in full or general conformance with the Comprehensive Plan, with the exception of Project #0665, Public Works & Utilities, Streets & Highways, Pedestrian and Bicycle Capital Program (Commissioners Weber, Hove and Sunderman dissenting).

On May 9, 2012, the Planning Commission also agreed with the staff recommendation and voted 9-0 to find the draft TIP in general conformance with the Comprehensive Plan and the Long Range Transportation Plan.

These minutes will be approved by the Planning Commission at their regular meeting on May 30, 2012.

If you have any questions or need any additional information, please feel free to contact me at 402-441-6365 or plan@lincoln.ne.gov.

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 9, 2012, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Greg Butcher, Michael Cornelius, Dick Esseks, Wendy Francis, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber; Marvin Krout, Michael Brienzo, David Cary, Sara Hartzell, Nicole Fleck-Tooze and Jean Preister of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Special Public Hearing
Planning Commission Review Edition of the FY2012-13 thru 2017/18 Capital Improvements Program (CIP) and the FY2013-2016 Transportation Improvement Program

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

**THE PLANNING COMMISSION REVIEW EDITION
OF THE CITY OF LINCOLN'S DRAFT SIX YEAR
CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR
FY 2012/13 - 2017/18.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: May 9, 2012

Members present: Cornelius, Weber, Esseks, Hove, Lust, Sunderman, Butcher, Gaylor Baird and Francis.

Staff recommendation: A finding of full or general conformance with the 2040 Comprehensive Plan.

There were no ex parte communications disclosed.

David Cary of Planning staff informed the public that the Planning Commission held a briefing last Wednesday at which many questions were answered and discussion did take

place. Cary then proceeded to provide a brief overview of the general purpose of the Capital Improvement Program and today's hearing.

The Capital Improvement Program (CIP) provides a multi-year list of proposed capital expenditures for the City and is one of the most important responsibilities of municipal government. This program attempts to set funding strategies not only for the next fiscal budget year, but also to project future needs for major construction projects and land acquisition. The City constantly looks ahead to consider how we will improve major items such as roads, utilities, police facilities, fire facilities, parks, libraries and other community buildings for the people of Lincoln. Capital expenditures are viewed not only in the context of how much the project will cost, but also what impact the project will have on the City's operating budget. Capital improvements are projects that generally have a useful life of fifteen or more years that maintain, upgrade or replace public infrastructure and public service providing facilities. It should be noted that due to some federal planning requirements, some projects included in the CIP may not necessarily meet the desired fifteen year life span, but the project may need to be included in our local capital planning document to qualify for funding. The CIP is not intended to be an all-inclusive inventory of the City of Lincoln's capital needs for the upcoming six years. It is a document that outlines planned capital improvements given available financial resources.

The Lincoln City Charter assigns responsibility for assembling the City's annual six-year CIP to the Planning Department. This process involves coordinating the assessment of the City's capital needs across more than a dozen different departments and agencies. Each City department assesses its capital needs and creates an improvement program for a six-year period. The individual capital project requests are submitted to the Planning Department and assembled into a single document that becomes the CIP. Each program is evaluated for conformity with the City-County Comprehensive Plan along with the most recent funding projections and revenue calculations. This year there are two new considerations that went into the development of the CIP – the new 2040 Comprehensive Plan adopted last October that now is used for the finding of conformity, and this budget cycle begins the first 2-year budget process so the first 2 years of the CIP will be approved as the capital budget.

Lincoln's six-year CIP is updated annually (now every 2 years) in the winter, when City departments prepare their proposed capital improvement program. The Mayor's Capital Improvement Advisory Committee (CIAC) guides the development of the document.

According to the City Charter, the Planning Commission makes a recommendation as to conformance with the Comprehensive Plan and this recommendation, along with public testimony, is passed on to the Mayor and City Council for consideration in budget discussions over the summer. Years 1 and 2 of the CIP become the Capital Budget for fiscal years 2012/2013 and 2013/2014.

The Clerk then called each section of the CIP for public hearing:

FINANCE DEPARTMENT: Pershing Auditorium: Sara Hartzell of Planning staff explained that Pershing Auditorium has two years of CIP funding in this version of the CIP, including financing for upkeep and maintenance to maintain Pershing as it is right now, which is anticipated to be sunsetted after two years after we move into the new arena.

There was no other testimony.

PUBLIC SAFETY: Hartzell explained that this is a new section of the CIP where three departments are combined, i.e. Communications Center, Fire and Rescue and Police.

Communications Center: There are two projects for the 911 Center, the first and most important being the P25 Radio System Upgrade, anticipated to occur in two phases – first phase in year two and second phase in year four. It is a needed improvement. The City's radio system is antiquated to the point where it is difficult to make repairs and find replacement parts. The relocation of the 911 Center to the Municipal Services Center is the second project.

Esseks asked for further definition of the P25 Radio System. **Pat Borer of Fire and Rescue** showed an example of the P25 – it consists of mobiles and portables – they can no longer find parts and pieces to repair and keep them running. They are used by all city departments.

There was no other testimony.

Fire and Rescue: Hartzell explained that the Fire and Rescue CIP includes six projects, including the relocation plan. This CIP proposes two new fire stations; two relocated fire stations; a general use fire station modification and repairs program; and a move to the Municipal Services Center for the training and administrative sections. The first five programs will be part of a bond issue in years 2, 4 and 6.

There was no other testimony.

Police: Hartzell advised that the Police Department CIP includes five projects. Relocation of the LPD fire arms training campus located out by the airport is necessary because the Airport Authority is planning on some development out there in the near future. That would include relocation of the canine units as well. The other two projects include planning and construction for the garage that is located just to the west of this building and a team assembly station similar to 27th & Holdrege.

There was no other testimony.

LIBRARIES: Hartzell explained the five projects, the major project being the relocation of the Bennett Martin library in year six using a combination of GO bonds and private funding of some sort. The other projects are basic maintenance projects for Bennett Martin (HVAC issues that need to be addressed) as well as a roof issue at Anderson Branch.

There was no other testimony.

LINCOLN ELECTRIC SYSTEM: Hartzell stated that the LES CIP is about \$239 million, which is about \$54 million less than the previous CIP. The LES program is for transmission as well as contribution to different generation projects. LES is planning for 12,000 new customers in the next six years, based on the population projections in the 2040 Comprehensive Plan. The decrease by \$54 million is largely due to some generation projects and the Central Lincoln Reliability Project that brought the lines basically up along the Antelope Valley alignment.

There was no other testimony.

URBAN DEVELOPMENT DEPARTMENT: Hartzell explained that the Urban Development CIP includes eight projects. The funding consists of TIF, CBDG, user fees, some general funds and some service charges. The majority of the funding in this CIP request is for the parking program, which mainly includes ongoing repairs but there is a possible acquisition

of a parking garage at 12 & N Streets. Ongoing annual efforts include the Low to Moderate Income Area Park Improvements program and the Downtown Street Tree Replacement program.

Francis inquired whether CDBG is used by NeighborWorks. **Dallas McGee of Urban Development** stated that NeighborWorks has access to HOME funds as well as some CDBG funds.

There was no other testimony.

PARKS & RECREATION DEPARTMENT: Hartzell stated that the Parks & Recreation Department has a fairly large CIP of about \$50 million over the six-year period, relying on a wide variety of funding sources – GO bonds, general funding, transportation enhancement funds used for trails, impact fees for neighborhood parks, different fees for golf and tennis facilities, etc. Parks cooperates with Watershed Management in drainage and stormwater projects. There is a GO bond planned in the year 2014/15 for a quality of life bond issue that has been in the CIP for some time – almost \$20 million.

There was no other testimony.

PUBLIC WORKS & UTILITIES:

StarTran: **David Cary of Planning staff** stated that StarTran's program is \$10.4 million over the 6-year period, 8.6 of which is from federal funding. The bulk of this capital program is the ongoing regular purchase of replacement bus and van fleet. For the two-year budget there are no general revenue funds identified, which is the result of being good stewards of previous budgets. The \$8.6 million represents over 80% of their capital program. It is an ongoing program – they have to make sure they qualify for those funds annually, requiring compliance with federal regulations.

Esseks wondered whether this funding depends on annual appropriations by Congress. Cary stated that there does need to be capital appropriations. We have been going through continuing obligations without having a brand new transportation bill getting approved on the federal level. It is dependent upon the annual federal process.

Esseks then confirmed that if federal money is not available, we don't get new buses. Cary stated that it certainly would have an impact on our capital plans to make sure the fleet is

replaced at appropriate times. This plan shows future purchases, so there would not be an immediate impact. They build up funds every year.

Lust inquired whether all of the replacement buses are equipped with bike racks. Cary advised that the entire fleet does have bike racks installed, and when we buy new buses as they retire old buses, the bike racks are put on the new buses. There will be no buses on the fleet without bike racks.

Streets & Highway: Cary observed that this is a significant part of the CIP, including \$183 million over the six-year period, an increase of \$33 million from last year, mainly because there were some additional funding sources agreed upon as part of last year's budget process. There is a major infusion of additional funding into resurfacing and rehabilitation for the residential, arterial and bridge program. There was a list of projects for streets created with LPlan 2040, which is being followed in order as adopted.

1. Barb Fraser, Chair of the Mayor's Pedestrian/Bicycle Advisory Committee (PBAC), 3210 Laredo Drive, read the attached letter from the Mayor's Pedestrian/Bicycle Advisory Committee into the record. Both the Sidewalk Maintenance and Repair Program and the Pedestrian and Bicycle Capital Program were highlighted in the new Comprehensive Plan as needing more funding to accomplish needed improvements. \$500,000 per year was identified as being woefully short of the identified annual need of \$2.5 million. A new dedicated funding program for bicycle and pedestrian projects was identified as a high priority with an identified annual need of \$700,000. \$1 million of funding is shown in the proposed CIP in Years 3-6 for the sidewalk program; however, the lack of additional funding in the first two years of the program (the two budget years in which funding is formally approved for projects) is a concern and should be considered an issue when considering the needs of the sidewalk system in our community. The Comprehensive Plan states that:

The Mayor and City Council should examine funding options prior to the 2012-13 city budget year that more closely match funding with identified needs in the sidewalk rehabilitation program.

The PBAC feels that continued examination of funding options to more adequately finance the Sidewalk Maintenance and Repair Program in the 2-year budget still needs to occur.

Regarding the Pedestrian and Bicycle Capital Program, the PBAC believes that the \$50,000 annual funding in years 3-6 falls far short of the identified need of \$700,000/year in the Comprehensive Plan. There is a concern that the lack of funding in the 2-year

budget will severely limit implementing the identified needs for the pedestrian and bicycle networks.

The PBAC would like to see that the community is providing and maintaining the facilities needed to support walking and bicycling and a balanced transportation system.

Esseks pointed out that the Planning Commission is on record as believing that the funding for sidewalk rehabilitation is inadequate and we hoped it would be much more, but for various reasons it is not. One of the problems may be lack of information as to how serious this sidewalk problem is, e.g. how many feet really need to be replaced. Could the PBAC sponsor or encourage the type of surveys that might dramatize the need for increased funding? Fraser believes that Public Works does keep track of some of that information and the Health Department has been working on a computerized system for surveying neighborhoods. Esseks suggested pulling those efforts forward and promoting more of that information.

Lust pointed out that the Planning Commission also received an e-mail from Rosina Paolini with the same concerns about the sidewalk and bicycle/pedestrian funding (attached).

Thomas Shafer of Public Works & Utilities approached to advise the Commission that the CIP does not include funds received by StarTran resulting from a Federal Transit Administration (FTA) grant. StarTran has secured \$1 million in a grant that will be used to do sidewalk repair along bus routes and ½ mile on either side of the bus routes. Starting this summer, Public Works will be using \$1.5 million over the next couple of years for sidewalk maintenance and repair as opposed to \$1 million each year, i.e. up to \$2 million in the two-year time period. That grant was authorized last fall. It did not come through the CIP but the program agreement went through the City Council.

Shafer confirmed the amount of \$2 million for two years. The cost used to be about \$18,000 to \$20,000 per block for residential – now it is about \$24,000 to \$25,000 because of the amount of sidewalks. He suggested that there is \$400,000 in sidewalk repair that is not explicitly laid out in the CIP but is being done. For example, every residential block and every downtown rehabilitation includes sidewalk repair. In this summer alone, Public Works will be making over \$2 million commitment to sidewalks. “It will not get us everything we want, but we are making a very big investment.”

Shafer did agree with Lust, however, that the annual need is \$2.5 million.

Gaylor Baird sought a sense of how the limits of that funding and where it is geographically allowed to make repairs match up with the identified needs. Cary understands that the StarTran money will be used only where it is needed. The condition of the sidewalk is assessed and the actual need for improvement is identified. The rules allow for it to be used almost anywhere throughout the city along transit routes. It will be applied where it is really needed. A lot of the improvements will be close to transit routes and stops but the rules do allow for ½ mile away from transit stop to use that money for the purpose of a sidewalk repair.

Watershed Management: Cary explained that the Watershed Management CIP contains approximately \$31.5 million in the 6-year period. A vast majority of funding comes from GO bonds regularly approved for the watershed program. There is an emphasis for increased cooperation and coordination with the Parks Department to identify joint projects that make sense in the use of these funds.

There was no other testimony.

Street Maintenance Operations: Cary pointed out that this CIP includes a new self-storage shed at 3200 Baldwin Avenue and the Southeast District Shop Addition project.

There was no other testimony.

Water Supply and Distribution: Cary presented the proposed Lincoln Water System CIP which contains over \$76 million in projects for water supply, treatment, storage and distribution improvements. This is an increase over last year of \$15 million. It includes projects that intend to enhance water services in the existing city and developing areas, and assumes a 5% per year increase in water utility revenues for each year of the program.

There was no other testimony.

Wastewater: Cary advised that the proposed Wastewater CIP contains approximately \$53 million in projects encompassing Teresa Street and the Northeast Treatment Plants, construction of new sanitary sewer mains and replacement of existing mains throughout the six-year period. This CIP is \$8 million less than last year. Similar to the water program, this assumes a 5% per year rate increase for funding.

Esseks recalled that a couple of years ago there was consideration and some planning to locate a new wastewater treatment plant along Salt Creek near Wilderness Park. **Gary**

Brandt of Public Works stated that such planning is currently dormant. What we do have is a master plan that looks out 25-40 years and beyond, and with the slowing of growth and reassessing and doing dynamic modeling, it has been determined that the existing system can accommodate the growth shown in the 2040 Comprehensive Plan.

There was no other testimony.

Solid Waste Operations: Cary advised that this CIP includes projects related to the Bluff Road Sanitary Landfill, the North 48th Street Landfill and Transfer Station and the Solid Waste Management System, including \$26 million over 6-years. Notable projects include liner and leachate collection systems, Access Roadway Repair and Site Maintenance at the Bluff Road Landfill, Recycling Drop-Off Maintenance and Improvements and closure of the North 48th Street landfill.

There was no other testimony.

THE DRAFT FY2013-2016

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

FOR THE LINCOLN METROPOLITAN PLANNING ORGANIZATION (MPO).

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 9, 2012

Members present: Cornelius, Weber, Esseks, Hove, Lust, Sunderman, Butcher, Gaylor Baird and Francis.

Staff recommendation: A finding of general conformance with the 2040 Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Mike Brienzo of Planning staff** and as staff for the MPO elements of city planning process, explained that the TIP is a separate document which is combined with the CIP for public review. After this meeting, the TIP will move forward to the MPO process for continued review and adoption and then on to the state for inclusion in the federal program. The TIP identifies and is designed to satisfy federal requirements for federal funding. Transportation projects which are seeking federal funds are combined in this document, including the City, the Nebraska Department of Roads, Lancaster County, StarTran, Airport Authority and any enhancement projects that are using fed funds. The

FTA looks at the TIP as a document for their reference that the transportation planning process has been fulfilled and had public review.

The TIP is a four-year document. We do have the option of obligating federal dollars for transportation projects within those four years and that obligates the federal dollars to those projects.

In addition, Brienzo advised that all of the projects are reviewed as to conformance with the Long Range Transportation Plan (LRTP). Any project outside of that will not be included in the TIP.

The LRTP, as well as the TIP, are fiscally constrained so that any project in the document will be able to move forward because funding has been identified and attached to the project.

There was no other testimony.

FY2012/13 - 2017/18 CAPITAL IMPROVEMENTS PROGRAM

ACTION BY PLANNING COMMISSION:

May 9, 2012

Gaylor Baird moved that the CIP be found in conformance with the Comprehensive Plan with the exception of Project #0181, Public Works & Utilities, Streets & Highways, Sidewalk Maintenance and Repair, and Project #0665, Public Works & Utilities, Streets & Highways, Pedestrian and Bicycle Capital Program, seconded by Lust.

Gaylor Baird stated that well-maintained sidewalks insure walkable, livable neighborhoods; they promote good health, help reduce traffic congestion and improve air quality and preserve connectivity, and they keep people safe from falls caused by disrepair. Recognizing this, our Comprehensive Plan calls for the improvement of this important aspect of our bike/pedestrian infrastructure. Today the budget number for sidewalks falls far short of realistic estimates to maintain them. In fact, it has been pointed out in previous discussions, this particular item is under-funded by a factor of 5. The needs based plan for sidewalks called for \$2.5 million annually. LPAC last year recommended that at least \$1 million be included annually for sidewalks.

Gaylor Baird went on to state that the Pedestrian and Bicycle Capital Program represents needed bicycle and pedestrian improvements that are identified as a priority in the 2040 Transportation Plan. The Pedestrian and Bicycle Capital Program which is separate from

sidewalk repairs, includes simple but essential measures that promote public safety and public health. These include, but are not limited to, improvements such as on-street bike route signs, shared lane markings, pedestrian countdown signal heads at intersections, installation of priority sidewalk connections, sidewalk connections to trails and public bicycle parking. These measures and others supported in this category help to create a truly multi-modal transportation system for our community as called for in 2040 Comprehensive Plan and the LRTP. According to the CIP we are discussing today, this category receives nothing – not one cent – for the next two years, so the CIP shows only \$50,000 per year for this item starting in year 3, but the needs for this item have been identified in the six figures.

Gaylor Baird further stated that it has to be acknowledged, of course, that others in the public realm have had to make some really difficult decisions on what we fund or don't fund as a community based on available revenues. The Planning Commission, however, serves a more narrowly defined role in this process. We advise as to whether or not the allocations being discussed today support or conform to the Comprehensive Plan and what it says about how the city should prepare for the future. In the case of the allocation for sidewalk maintenance and repair and the allocation for pedestrian and bicycle safety, we can easily conclude and are obliged to advise that these line items are not in conformance with the Comprehensive Plan.

Lust stated that she feels compelled to point out what it is that our Comprehensive Plan now says about sidewalk funding. The language is: "The Mayor and City Council should examine funding options prior to the 2012-13 city budget year that more closely match funding with identified needs in the sidewalk rehabilitation program." When we were discussing the 2040 Comprehensive Plan, we agreed, as a compromise, that maybe the Planning Commission was not the forum to make every single line item budgetary decision and we agreed to remove specific budgetary items from the Comprehensive Plan and have them instead show up in the LRTP. Therefore, we have to go by what the language says in the Comprehensive Plan, and that language urges the Mayor and City Council to come up with funding that more closely matches the identified annual need of the sidewalk maintenance program. That identified annual need as agreed to by Public Works is \$2.5 million. She does not think that a budget that within the first two years under-funds the sidewalk program by a factor of 5 is in conformance with that language that is in the Comprehensive Plan. Furthermore, for general conformance, we need to find that such a funding mechanism conforms with the general idea for our Comprehensive Plan. Our Comprehensive Plan encourages more compact growth within the city for lots of reasons, including public health, including the environment, but most importantly, because compact growth is the most economical type of growth for the city taxpayers. We save money on infrastructure every single time that we have infill development rather than development on the edges. The only way to encourage the public citizenry to be on board for compact growth is to make it possible to live in that environment. And when we neglect sidewalks

and the bike programs that make urban living possible, that make pedestrian walking possible, that make biking possible, we are not complying with the spirit of the Comprehensive Plan. Lust fully supports the motion that everything else complies with the Comprehensive Plan except that the funding for both sidewalks and the bike program is not supported by the language in the current Comprehensive Plan.

Sunderman respectfully disagreed. We are pulling out dollars and not looking at all of the dollars. We were just informed about the dollars coming forward for sidewalks from road maintenance and road resurfacing. #0183: Residential Rehabilitation & Intersection Improvements talks about curbs and sidewalks. #0182: Roadway and Bridge Rehabilitation also talks about bikeways, trails, and such. South 56th Street between Old Cheney and Pine Lake – there is no sidewalk there – that is part of it as well. We are not taking into account all that is actually happening here if we are just concentrating on the \$500,000 and the \$50,000. Furthermore, we have just heard today from Public Works (he wishes this would have come forward sooner) that StarTran is bringing forward money on their own from a surprising source – \$1 million. He cannot support the motion. Are we all the way up to the \$2.5 million? He questions whether the \$2.5 million is for this year or the year 2040. He can't see how the same figure would apply today and in 2040. It does say this proposal is based on the 2040 future land use, some of which is not even in here yet. As far as fully funding any project, he doubts if that is the case. He doubts that we are fully funding every project in here except for sidewalks. He believes it is unfair and not appropriate to pull out this project.

Gaylor Baird further pointed out that the Pedestrian and Bicycle Capital Program includes safety measures that actually make bicycling more possible. It's not just enough to maintain our sidewalks which helps pedestrians as a matter of course, but also to have some of the safety measures mentioned before with signals and countdowns that really make bicyclists feel more safe and which will help to start to increase the demand and allow people to feel more comfortable bicycling on the streets where they are more safely able to transport themselves in that manner.

Esseks stated that he would support the motion if it were limited to the Pedestrian and Bicycle Capital Program. The reason is because of Mr. Shafer's comments regarding the special grant funding which he has publicly said will be applied to sidewalk rehabilitation within and up to ½ mile of transit stops, and we have a lot of transit stops. That part of the motion is probably not justified at this point. But he agrees about the bike funding. So he will have to vote against the motion the way it is now.

Lust pointed out that Mr. Shafer indicated the funding was \$1 million per year, and the annual identified need that we were told about when we did the 2040 Comprehensive Plan is \$2.5 million, as acknowledged by Public Works, so we are still under-funding sidewalks by a factor of 2.5 even if we consider the grant that we were advised of five minutes ago.

Esseks indicated that he does not have sufficient data to say we have to have \$2.5 million every year. He agrees that \$500,000 is not enough, and he is delighted there may be another \$1 million available. He does not want to vote against the sidewalk part of the program based upon the testimony by Public Works.

Sunderman wonders whether we might not already be at the \$2.5 million. We have \$500,000 in the CIP, we have \$1 million coming from StarTran for two years; he also talked about money that was coming from road projects that are already in the plan in which sidewalks are already being repaired. So we can definitely count \$1 million; we can estimate more than \$1 million from the road repairs and rehabilitation. We are above \$1 million. He thinks we are closer to \$1.5 million. As far as the bicycle portion, the \$50,000 is coming in two years. On the surface it seems low, but we are also working with the 2040 Comprehensive Plan. It is not saying it needs to be now. It does not say we have to start this now. We have to move into it. The City needs to gear up to get these processes taken care of. He thinks the city has done an admirable job of moving more into the rehabilitation of streets than just the construction of streets – rehabilitation of sidewalks as well – that's part of it. He believes the city and the budget process is moving in the right way. He cannot support the motion as stated.

Cornelius was not at the briefing, but there was an extensive briefing on the CIP just last week. The question of sidewalk maintenance as a budgetary issue and a sticking point in the question of conformance with the Comprehensive Plan should come as a surprise to no one – it has been for many years running. And, if there were in fact a figure within the realm of the need of the city with regard to sidewalk maintenance – if the funds were there, although distributed through the line items in the CIP – that briefing would have been a great opportunity to point that out and let us know. That did not happen. He is encouraged by what he has heard today, but what we have right now, unfortunately, is some hand-waving and he would like to see some firmer numbers before he goes on record saying that he thinks it is right.

Motion failed 4-5: Cornelius, Lust, Gaylor Baird and Francis voting 'yes'; Weber, Esseks, Hove, Sunderman and Butcher voting 'no'.

Esseks moved a finding that the CIP is in conformance with the Comprehensive Plan, except for Project #0665, the funding for Pedestrian and Bicycle Capital Program, seconded by Lust.

Sunderman commented that this is a completely new program that was put into the 2040 Comprehensive Plan last year and to expect it to be fully funded and enacted at this point in time is unreasonable. He thinks they have put the resources in the right places as far as the street and sidewalk rehabilitation. He cannot support this motion.

Esseks suggested that \$50,000 is the price of a fancy SUV, so it seems like they could increase that by two or three times and make it much more meaningful. He finds it embarrassingly small and inadequate.

Motion carried 6-3: Cornelius, Esseks, Lust, Butcher, Gaylor Baird and Francis voting 'yes'; Weber, Hove and Sunderman voting 'no'.

FY2013-2016 TRANSPORTATION IMPROVEMENT PROGRAM

ACTION BY PLANNING COMMISSION:

May 9, 2012

Francis moved a finding of conformance with the 2040 Comprehensive Plan and the Long Range Transportation Plan, seconded by Weber.

Cornelius suggested that this is a simpler question although the issues inherent to it are just as complex. It is simpler because this is a financially constrained plan, we know the money is there and there is a long process behind it.

Motion carried 9-0: Cornelius, Weber, Esseks, Hove, Lust, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'.

There being no further business, the meeting was adjourned at 2:00 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their regular meeting on May 30, 2012.

MAYOR'S PEDESTRIAN/BICYCLE ADVISORY COMMITTEE

2740 "A" STREET

LINCOLN, NE 68502

May 8, 2012

Mayor Chris Beutler
555 So. 10th
Lincoln, NE 68508

Dear Mayor Beutler:

The FY 2013-2018 City of Lincoln Capital Improvements Program (CIP) provides the opportunity to budget funding for capital project implementation in the two-year budget, and it offers the opportunity to identify near term priority capital projects in years three thru six. All projects require a finding of conformity with the new 2040 Comprehensive Plan with the general intent to have projects in the CIP be in conformance with the Comprehensive Plan.

The proposed CIP includes two programs of interest to the Mayor's Pedestrian and Bicycle Advisory Committee (PBAC). They are the Sidewalk Maintenance and Repair Program and the Pedestrian and Bicycle Capital Program. Both of these programs were highlighted in the new Comprehensive Plan as needing more funding to accomplish needed improvements. In particular, the need for additional funding for the Sidewalk program was discussed at length during the development of the new plan with the amount of \$500,000 per year identified as being woefully short of the identified annual need of \$2.5 million. Similarly, a new dedicated funding program for bicycle and pedestrian projects was identified as a high priority with an identified annual need of \$700,000.

The PBAC appreciates the efforts made thus far to identify additional funding for the Sidewalk program with \$1 million of funding shown in the proposed CIP in Years 3-6. However, the lack of additional funding in the first two years of the program, the two budget years in which funding is formally approved for projects, is a concern and should be considered an issue when considering the needs of the sidewalk system in our community. Language in the new Comprehensive Plan states that "The Mayor and City Council should examine funding options prior to the 2012-13 city budget year that more closely match funding with identified needs in the sidewalk rehabilitation program." The PBAC feels that continued examination of funding options to more adequately finance the Sidewalk Maintenance and Repair Program in the 2-year budget still needs to occur.

Regarding the Pedestrian and Bicycle Capital Program, it is appreciated that this program is included in the CIP for the first time in Years 3-6. However, the \$50,000 annual funding in these out years falls far short of the identified need of \$700,000 a year in the

Comprehensive Plan. And similar to the Sidewalk program, with no funding identified in the 2-year budget, there is a concern that a lack of funding over the next 2 years will severely limit implementing the identified needs for the pedestrian and bicycle networks.

To give you an idea of current bicycling interest and activity in the community, members of Lincoln are able to voluntarily sign up to participate in a National Bike Challenge, tracking the number of bikers and teams participating, as well as the number of miles biked, both for commuting and for recreation. The challenge began May 1, and as of today (May 8), Lincoln is in 5th place nationally with 463 riders, 59 teams, and 13, 805 miles ridden. The challenge uses a system that awards points per 1000 residents. As you can see, the community is excited about bicycling and logging on lots of miles, the majority of them as commuting miles. The PBAC would like to see that the community is providing and maintaining the facilities needed to support walking and bicycling and a balanced transportation system.

Sincerely,

A handwritten signature in cursive script that reads "Barb Fraser".

Barb Fraser, Chair

Mayor's Pedestrian/Bicycle Advisory Committee

Cc: Lincoln/Lancaster County Planning Commission

Jean Preister

Subject: Implementation of LPlan2040

From: Rosina Paolini [<mailto:rapaolini@gmail.com>]

Sent: Wednesday, May 09, 2012 9:36 AM

To: Jean Preister

Subject: Implementation of LPlan2040

Good morning to you all-

My intention was to attend the meeting today **RE: the CIP for sidewalks and bicycle / pedestrian funding**. My understanding as appears to be the understanding of the commissioners, was sidewalks were a priority to facilitate a walkable, livable Lincoln. The \$1million was found for sidewalks thanks to Jonathan Cook. So last week when it was announced that the project might be implemented 3-6 year out and was not currently in the CIP, I was sadly disappointed.

Reason 1: The focus on this LPlan 2040 was implementation, not a document that sits on a shelf.

Reason 2: Delaying side walk projects will cost the city more in the long run.

Solution: Put some of the new road projects on the back burner and take care of the existing infrastructure.

Please insure this LPlan2040 document is implemented the adopted sustainable living agenda the city is putting in place and is in the CIP/TIP this year.

Much thanks to you all for your service-

Rosina Paolini

**** ACTION BY PLANNING COMMISSION ****
May 16, 2012

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 16, 2012, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, May 16, 2012, from 11:45 a.m. - 12:45 p.m. in **Conference Room 210** of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a continued workshop with Urban Development on the Redevelopment Process and TIF.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, MAY 16, 2012

[Commissioner Lust absent]

Approval of minutes of the regular meeting held May 2, 2012. ****APPROVED, 7-0 (Lust absent; Weber abstained)****

1. CONSENT AGENDA:
(Public Hearing and Administrative Action)

PERMITS:

Page 01 1.1 Special Permit No. 12018, to allow seasonal sales, on property generally located at Old Cheney Road and Warlick Boulevard. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Rashi Jain, 402-441-6372, rjain@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated May 1, 2012, 8-0 (Lust absent).
Resolution No. PC-01284.

Page 07 1.2 Special Permit No. 12020, for expansion of a nonconforming use to allow addition of handicap entrance on the east side of the building and parking on the south side of the building, on property generally located at S. 1st Street and F Street. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Rashi Jain, 402-441-6372, rjain@lincoln.ne.gov
Removed from Consent Agenda and had separate public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated May 2, 2012, 8-0 (Lust absent).
Resolution No. PC-01285.

2. REQUESTS FOR DEFERRAL:

Page 15 2.1 County Special Permit No. 12015 and City Special Permit No. 12016, for a recreational facility, on property in split jurisdiction generally located at SW 29th Street and W. Wittstruck Road. ***** FINAL ACTION *****
Staff recommendation: Applicant has requested deferral until ~~May 30, 2012~~ June 13, 2012.
Staff Planner: Sara Hartzell, 402-441-6371, shartzell@lincoln.ne.gov
Applicant's revised request for deferral, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, June 13, 2012, granted.

3. ITEMS REMOVED FROM CONSENT AGENDA: See Item No. 1.2 above

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN WITH RELATED ITEMS:

Page 17 4.1a Comprehensive Plan Conformance No. 12006, to review the proposed declaration of surplus property as to conformance with the 2040 Lincoln/Lancaster County Comprehensive Plan, generally located at S. 21st Street and M Street.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Nicole Fleck-Tooze, 402-441-6363, ntooze@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0.
Public Hearing before City Council tentatively scheduled for Monday, June 11, 2012, 3:00 p.m.

Page 25 4.1b Change of Zone No. 12011, from B-4 Lincoln Center Business District to P Public Use District; and from P Public Use District to B-4 Lincoln Center Business District, on property generally located at S. 21st Street and M Street.
Staff recommendation: Approval
Staff Planner: Brandon Garrett, 402-441-6373, bgarrett@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: APPROVAL, 8-0.
Public Hearing before City Council tentatively scheduled for Monday, June 11, 2012, 3:00 p.m.

ANNEXATION WITH RELATED ITEMS:

Page 35 4.2a Annexation No. 12003, to annex approximately 41 acres, more or less, on property generally located at S. 56th Street and Pine Lake Road.
Staff recommendation: Approval, subject to a revised Annexation Agreement
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Applicant's request for two-week deferral granted, WITH CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 30, 2012.

Page 35 4.2b Change of Zone No. 04075C, an amendment to the Village Gardens Planned Unit Development, for expansion of the area of the PUD by approximately 41 acres, on property generally located at S. 56th Street and Pine Lake Road, for a Planned Unit Development District designation, and approval of a development plan which proposes certain modifications to the Zoning and Land Subdivision Ordinances to allow an additional approximately 220 dwelling units in the underlying R-3-zoned area.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Applicant's request for two-week deferral granted, WITH CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 30, 2012.

CHANGE OF ZONE:

Page 57 4.3 Change of Zone No. 12010, amending Section 27.63.685 of the Lincoln Municipal Code relating to Sale of Alcoholic Beverages for Consumption Off the Premises, to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Denial
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: DENIAL, 7-1 (Sunderman dissenting; Lust absent).
Public Hearing before City Council tentatively scheduled for Monday, June 11, 2012, 3:00 p.m.

PERMITS:

Page 69 4.4 Special Permit No. 10005A, for the expansion of an existing Recreational Facility (Camp Sonshine) from 80 up to 300 camp attendees at any one time during the summer months; to reconfigure building layout and add new accessory uses such as a portable classroom and swimming pool; and to allow up to 20 attendees at an after school program, on property generally located at S. 25th Street and Bennet Road. *** **FINAL ACTION** ***
Staff recommendation: Conditional Approval
Staff Planner: Sara Hartzell, 402-441-6371, shartzell@lincoln.ne.gov
Had public hearing.
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated May 3, 2012, as amended by the applicant and staff on May 16, 2012, 8-0 (Lust absent).
Resolution No. PC-01286.

Page 89 4.5 Special Permit No. 12014, Pleasant Hill Acres Community Unit Plan, for approximately 6 single family acreage lots, with request to waive sidewalks, street trees, street lighting, landscape screening, block length, preliminary plat, setbacks and design standards for provisions for future street extensions, and horizontal street alignment, on property generally located at S. Coddington Avenue and W. Pleasant Hill Road. *** **FINAL ACTION** ***
Staff recommendation: Conditional Approval
Staff Planner: Sara Hartzell, 402-441-6371, shartzell@lincoln.ne.gov
Had public hearing.
Planning Commission ‘final action’: CONDITIONAL APPROVAL, as set forth in the staff report dated May 7, 2012, as amended by staff and agreed upon by the applicant on May 16, 2012, 8-0 (Lust absent).
Resolution No. PC-01287.

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE:

Page 113 5.1 Change of Zone No. 11028, amending Section 27.35.025 of the Lincoln Municipal Code to allow the sale of alcoholic beverages for consumption on the premises in the B-4 Lincoln Center Business District as a permitted conditional use; and repealing Section 27.35.025 of the Lincoln Municipal Code as hitherto existing.

Staff recommendation: Denial

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Had continued public hearing.

APPLICATION WITHDRAWN BY THE APPLICANT,

* * * * *

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

* * * * *

PENDING LIST: *None*

Planning Dept. staff contacts:

Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	....	shenrichsen@lincoln.ne.gov
Nicole Fleck-Tooze, <i>Long Range Planning Manager</i>	402-441-6363	.....	ntooze@lincoln.ne.gov
Michael Brienzo, <i>Transportation Planner</i>	402-441-6369	.....	mbrienzo@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662	.....	tcajka@lincoln.ne.gov
David Cary, <i>Planner</i>	402-441-6364	.....	dcary@lincoln.ne.gov
Christy Eichorn, <i>Planner</i>	402-441-7603	.....	ceichorn@lincoln.ne.gov
Brandon Garrett, <i>Planner</i>	402-441-6373	.....	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361	.....	slhageman@lincoln.ne.gov
Sara Hartzell, <i>Planner</i>	402-441-6371	.....	shartzell@lincoln.ne.gov
Rashi Jain, <i>Planner</i>	402-441-6372	.....	rjain@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	.....	bwill@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360	ezimmer@lincoln.ne.gov

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.**

* * * * *

**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

Jean Preister

To: pattihoage@yahoo.com
Cc: Marvin S. Krout; Steve S. Henrichsen; Tom J. Cajka
Subject: Bill #12R-97: Waiver No. 12004, 1551 N. Cotner (Introduced 5/21/12)

Dear Ms. Hoage:

Thank you for submitting your comments, which have now become part of the record on this proposal. A copy is being submitted to each City Council member for their consideration prior to the public hearing, which is scheduled for Monday, June 4, 2012, at 3:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street.

I am also providing a copy to the applicant and city/county staff, for their information.

If you have any questions about this process or the public hearing, please do not hesitate to contact me.

**--Jean Preister, Administrative Officer
Planning Department
402-441-6365**

From: Patti Hoage [<mailto:pattihoage@yahoo.com>]
Sent: Monday, May 14, 2012 8:16 PM
To: Tom J. Cajka
Subject: 1551 N. Cotner Parking Permit

RE: 1551 N. Cotner
Parking Permit

Dear Mr. Cajka,

I am writing in regard to the June 4, 2012 public hearing for zoning for a parking permit for 1551 N. Cotner to be held during the City Council meeting.

I am not able to attend the meeting and would therefore request that this statement be included to note my support for a parking permit for this property and the business applying for the permit known as Gratitude Cafe & Bakery.

Thank you for your consideration,

Patti Hoage
1650 Arapahoe St.
Lincoln, NE 68502



Memorandum

Date: ♦ May 15, 2012
To: ♦ City Clerk
From: ♦ Teresa McKinstry, Planning Dept.
Re: ♦ Administrative Approvals
cc: ♦ Jean Preister

This is a list of the Administrative Approvals that were approved by the Planning Director from May 8, 2012 thru May 14, 2012

Waiver No. 12005, approved by the Planning Director on May 14, 2012, requested by Olsson Associates, for a waiver to adjust the design standards to allow outdoor lighting to exceed 2.0 vertical foot-candles at the right-of-way line along N. 8th St. and "R" St.

City/County Planning Department
555 S. 10th Street, Rm. 213
Lincoln NE 68508
(402) 441-7491



Mary M. Meyer

From: Patricia A Tetreault [ptetreau@unlnotes.unl.edu]
Sent: Monday, May 14, 2012 10:36 AM
To: Council Packet
Subject: Support the Fairness Ordinance

Dear Council Members,

I encourage you to vote yes in favor of the fairness ordinance.

I realize that there some people are opposed to prohibiting discrimination against people based on their sexual orientation or gender identity.

Asking that fairness and non-discrimination be put to a popular vote is an indicator of the need for this ordinance.

No other group of people, when passing nondiscrimination policies, is determined based on minority vote.

It is the responsibility of the government to protect the rights of the minority from the tyranny of the majority (although I am not convinced that the majority would consider sanctioned discrimination fair).

As a citizen of Lincoln, I have experienced first-hand and through my work with others, the discrimination that occurs. Please do the right thing and vote for fairness today!

Pat Tetreault
6501 X Street
Lincoln, NE 68505-2247

Mary M. Meyer

From: Tami Damian [tdamian@leadgroup.net]
Sent: Monday, May 14, 2012 10:27 AM
To: Council Packet
Subject: Support the Fairness Ordinance

As a small business owner, I expect council members to vote for the fairness act, my city should be inclusive. It does not mean anyone must hire gay/lesbian/bi – but it does mean that no one will get fired for their sexual orientation. Fairness in the workplace makes sense.

Tami Damian

Tami Damian, President
Leadership Education And Development
Move Forward

www.LEADGroup.net
www.BeachBodyCoach.com/CoachTamiD

find us on facebook
ISOTraining
LifeLessonsLearned
LEADGroup
CoachTamiD

Mary M. Meyer

From: Joyce Besch [joycebesch@gmail.com]
Sent: Monday, May 14, 2012 11:22 AM
To: Council Packet
Subject: Fairness ordinance

Please register my support for the Fairness Ordinance. I am a Catholic, but my religious beliefs should not allow people of other beliefs to be impeded in their workplace.

My mother once lived in a town where the application for school teachers said, "Catholics need not apply." I don't want Lincoln to be that kind of city.

Joyce Besch
Lincoln, Ne
Joycebesch@gmail.com

Mary M. Meyer

From: Bob and Kim Coleman [bankcoleman@neb.rr.com]
Sent: Monday, May 14, 2012 10:56 AM
To: Council Packet
Subject: Support the Fairness Ordinance

As a business owner, a person of faith and a citizen of a fair society I urge the City Council to pass the Fairness Ordinance.

Thank you for your time and leadership.

Kim Coleman MD
Physician/owner of Advanced Medical Imaging
Owner of Indigo Bridge Books

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 14, 2012 12:10 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Ben Mattern
Address: 2635 Woodsdale Blvd
City: Lincoln, NE, 68502

Phone:
Fax:
Email: bmatterns@windstream.net

Comment or Question:

I am writing to express my concerns with your vote on item 12-45 AN ORDINANCE amending Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations, to prohibit discrimination on the basis of sexual orientation or gender identity.

Homosexual behavior is immoral. It is not a right, anymore than me having 3 wives is a right.

We should not sink to the lowest common denominator, but rather help those impacted live a chaste and moral life.

Be courageous and stand for something.

Ben Mattern and Maureen Mattern

Mary M. Meyer

From: Jean Helms [admin@unitarianlincoln.org]
Sent: Monday, May 14, 2012 9:22 AM
To: Council Packet
Subject: Make Lincoln Fair

I wholeheartedly support the Fairness Ordinance. People should be judged on their work performance. Please vote "yes" today. Don't let Omaha win in their ability to attract national business.

--

Faithfully,
Jean Helms
Administrative Director
Unitarian Church of Lincoln
402.483.2213

*As I walk. As I walk. The Universe is walking with me.
- Traditional Navajo prayer*

*You cannot think straight with a heart full of fear,
for fear seeks safety, not truth...
A heart full of love, on the other hand,
has a limbering effect on the mind.
- William Sloane Coffin - UU Minister*

Mary M. Meyer

From: Karri Sanderson [karrisanderson@yahoo.com]
Sent: Monday, May 14, 2012 12:36 PM
To: Council Packet
Subject: Support the Fairness Ordinance

As you prepare to vote on the Fairness Ordinance, I want to express my strong support. Employees deserve a fair workplace. If you are a capable and competent employee, you should not have to work in fear of being dismissed based on who you are (or who you are perceived to be).

We have a bullying problem in this country, and we as adults set the example for our children. Please vote in favor of this ordinance and show that Lincoln will no longer condone losing one's job based on identity.

Sincerely,
Karri Sanderson
7 year Lincoln resident

Mary M. Meyer

From: ToGdsGlry@aol.com
Sent: Monday, May 14, 2012 12:48 PM
To: Council Packet
Subject: UN - Fairness Ordinance

To All City Council Members:

A man can fall at many angles but can only stand straight at one.

Please don't fall to the homosexual lobbyists!

Stand straight and tall and vote NO on the UN - "Fairness Ordinance"

Thank you,

Alan & Anna Hansen

Mary M. Meyer

From: Desiree Wright [desireewright@rocketmail.com]
Sent: Monday, May 14, 2012 12:52 PM
To: Council Packet
Subject: Make Lincoln Fair!

Council Members,

My name is Desiree Wright and I've lived in Lincoln all 20 years of my existence. I believe we should make Lincoln fair. In this economy, keeping a job should be dependent on how well you do, not on gender or sexual identity. These are people with lives, with families. They need their jobs in order to survive. Please look at the Fairness Ordinance as a way to help people from job loss and poverty. I support this ordinance because I believe in human rights. Martin Luther King Jr once said "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." I believe he meant that we should all be judged by the content of our character instead of being discriminated against for who we are as people. We are all different and we should celebrate those differences. It should not matter who someone decides to love or how they express their gender identity. Please support the Fairness Ordinance as it supports the acceptance of our differences.

A concerned citizen,

Desiree Nicole Wright
447 C St
Lincoln, NE 68502

Mary M. Meyer

From: Mike Growcock [mikegrowcock@gmail.com]
Sent: Monday, May 14, 2012 12:58 PM
To: Council Packet
Subject: Support the Fairness Ordinance

Dear City Council Member,

In November 2009 the National Association of Realtors (NAR) Delegate Body approved to amend Article 10 of the NAR Code of Ethics to include "sexual orientation" as a protected class. The change was passed in a roll-call vote by a greater than 9-to-1 margin.

As a realtor for the past twenty two years in Lincoln I have always been an advocate for fair housing equality and sustainable homeownership and the wealth and stability it affords not only the GLBT community, but all Americans.

Professionally as a Realtor I encourage you to pass the "Fairness Ordinance" as well as a Christian gay man living in Lincoln for the past 35 years.

No matter what side of the issue you are on I think we all can agree that some of the testimony at the Monday 5/7/12 council hearing was cringe worthy. While I congratulate you on your patience and wiliness to listen, just keep in mind that you only had to endure seven hours of testimony and for only five minutes at a time. Just imagine what it is like for the GLBT community that has to listen to that kind of hate speech every day of their lives and the impact it has.

According to the Psalmist, holiness becomes those of us who make up the household of God. Holiness is essentially the reflection of God's love in us, and as the temples of God we are called to be true to who we are. Anything other than love does not become us. Anything other than love does not fit who God has made us. Anything other than love is artificial and alien to the Spirit of God in us. 1 John 5:7-8 says it this way: "Anyone who loves is a child of God and knows God. But anyone who does not love does not know God, for God is love.

Service. Compassion. Justice. Mercy. Forgiveness. Restoration. Reconciliation. Patience. Steadfastness. Hope. Joy. Courage. Liberation. Friendship. Kindness. Honesty. These are all expressions of love. We look most like the sons and daughters of God that we are when we become these things.

Sincerely,
Mike Growcock
5301 North 12th Street
Lincoln, NE 68521

Mary M. Meyer

From: Sean Schmeits [seanschmeits@gmail.com]
Sent: Monday, May 14, 2012 1:13 PM
To: Council Packet
Subject: Support for non-discrimination ordinance

Members of the Council:

I'm writing to urge your support for Councilman Eskridge's ordinance to protect gay, lesbian and transgendered citizens from housing or employment discrimination. I support this not only because I would like to see the City of Lincoln stand up against the discrimination of many of my friends and acquaintances, but also because I believe this decision may have a considerable impact on the "brain drain" or "talent drain" of many of Lincoln's best and brightest youth.

I'm a theatre artist and have worked for most of the theatre groups in town in various capacities as an artist, teacher or administrator, most recently working full-time for nine months to help return the Haymarket Theatre to sound financial footing following a period of difficulty. Most of my close friends and acquaintances are artists of some sort or members of what has come to be called the creative economy (designers, arts administrators, entrepreneurs, etc.). I've also taught roughly one thousand Lincoln students through the Flatwater Shakespeare and Haymarket Theatre youth programs, many of whom remain in contact. As a result of these associations I'm acquainted with many local high school and college students involved in the arts.

My peers and young acquaintances are overwhelmingly and enthusiastically in support of this provision. There are hundreds of college students right now considering where their talents can be best put to use after graduation as well as high school students pondering the trajectory of their next steps. Many studies show that our more highly educated citizens tend largely to support such provisions. For Lincoln's present and future culture makers and creative entrepreneurs this decision will send a strong message as to whether this is an inviting community for them and their peers. Please vote to support this ordinance.

Thank you for your consideration.

Sincerely,

Sean Schmeits

Dear City Council

I am the father of an 8 yr old who at the age of 2 had an event which left her with the label of “Handicapped” or “disabled.” She is now in a protected class. Part of my daughters’ recovery involves physical therapy which she receives in a swimming pool. We are fortunate that a private club allows the use of their facilities for her treatment. The club has family dressing rooms where I help her change. Despite a permanent sign saying family dressing room and the door hanger I place on the knob, we are often walked in on by men. Often times they insist on staying to do their business. My daughter learned how boys and girls use the bathroom differently from such strangers. Rude things have been said, sometimes I have really questioned the motives of those persons who linger.

Being in a protected class does not protect individuals from the basic issues of human decency, politeness and respect. At age 5 she stated with some frustration: “Why do people always stare at me when I go someplace?” (My answer: It’s because she is a princess.) That explanation was good enough at the time, but I know as a teenager she will have some hard lessons to learn.

As I listened to your attorney testify about the fairness policy, I thought of several things. First I imagined how much easier it would be if “Mr Mom” used the women’s dressing room at the club. Seriously, we are working hard for the day when our daughter can use the restroom facilities by herself - that event is much more problematic than you can imagine. I would hope that if anyone saw a man come out of a womens restroom with a small child, that it would disturb their peace.

I have worked in mental health for over 20 years. I have heard things, HIPAA laws aside, I wouldn’t repeat out of decency. Rest assured peoples ability to feed their sexual appetites is limited only to their imagination. Men and women do have sex with animals in this town. Exhibitionists make the paper as do voyeurs. Like those activities listed previously, Gender Identity Disorder, is a Disorder. They are already in a protected class. Sure there are differences of opinion in the scientific community about all of these disorders. Why take a stand and make policy over an unsettled matter of science? Exhibitionism on our trail system would be eliminated if our trail system was clothing optional. What would be gained? What would be lost? I’m reminded of a quote from Thomas Jefferson: “Truth can stand on it’s own, error requires government.”

For me the hardest group to work with are pedophiles. After reading explicate victim/witness accounts of what they did, and knowing they used their position in the church, or youth group, or family, to victimize a child, it is hard to talk to them with Christian love. Still these persons are eventually released to the community. They will always have a sexual attraction/orientation toward (whoever their victims were). Thus they are placed on a registry; name and address available for anyone with an interest to know. If any group is at risk to be victimized, it is this group. (In prison or out) They deserve the same amount of protection as anyone else. No more, no less, than their victims.

Before you make any decision which the community is to follow, I would like you to understand how what you are proposing would effect city government. If you want to look at the unintended consequence, and understand the possible costs and benefits what better place is there to start than parks, pools, libraries, police, etc. What are the problems now? Is there discrimination? If so, by who, to whom? While I doubt what is proposed will directly impact county government, do you know where the jail houses those with Gender Identity disorder? I can tell you that at the Crisis Center, where many of the females admitted are victims of sexual trauma, those individuals present some real challenges.

Lincoln is a diverse community. We have lots of choices where we can do business and where we don't. Some, like myself, find it offensive to have a family restaurant where the employees are hired for their cleavage and the way they look in shorts. That business didn't do well and is gone. As far as I know it was because of what they were selling, that our community wasn't buying, not because of action from the government. Businesses who don't treat their customers or employees well, don't do well. What you are proposing will really impact those with deeply held beliefs. Is that really necessary? Can it be avoided?

I don't know how this new law that is being proposed, and the way it is to be implemented, can not infringe on religion. I know the Church to be people not buildings. The actions of Church members should be the same in private, public, business, work, and worship. I also believe we all will be held accountable not just for what we say and do but for what we think. Both sides of the issue are talking past each other using the same word. "Homosexual" for some is a behavior, for others it is an identity. This ordinance will not change that, perhaps even make it worse. I have experienced slander from a coworker based on my religion. Trust me, if you asked, there could be a day of testimony from citizens who have experienced harassment, abuse, and discrimination due to their religious beliefs. Think about it, of all the gods and religious beliefs there are, there is only one, God (and his son Christ) who's name is ever taken in vain. Think about how often this is done. Where is the respect for believers?

In conclusion please consider:

1. Simply a resolution stating simply the belief that all persons are equal and valued as persons, not based on a group or an alliance which they belong to. Differences are to be respected.
2. Explore the issue through the lens of government which you control.
3. Anything beyond that needs to be voted on by the citizens. Like a speed limit, if people don't value and support an idea, nothing will change.

NOTE : The City Attorney told you he did a search and didn't find any incident on the internet involving problems with bathroom use by those with Gender Identity Disorders. Use the word "Cross Dresser" . That is the term news organizations seem to use. A lot is out there.

Thank you for you time and attention
Sidney Staats

Mary M. Meyer

From: Gerise Herndon [cgh@nebrwesleyan.edu]
Sent: Monday, May 14, 2012 1:32 PM
To: Council Packet
Subject: Fairness ordinance

Please vote in favor of the fairness ordinance. Local colleges and universities already protect employees from discrimination based on race or sexual orientation. We need to join progressive communities in protecting minorities from prejudice.

Thank you,

Gerise Herndon
5403 Walker
Lincoln NE 68504.

Mary M. Meyer

From: Dixie Justus [richndixie@yahoo.com]
Sent: Monday, May 14, 2012 1:31 PM
To: Council Packet

We strongly oppose this ordinance. It is morally wrong to make a protected class based on someones behavioral decisions. if that is the case, then where does it end? I know now it says religious organizations are exempt, but for how long? I believe this poses a great threat to our religious liberty, and creates undo hardships for many businesses in Lincoln. Isnt that the very thing we are trying to accomplish, with the economy at risk? Please take your decision very seriously, for we all will have to give a personal account to God one day (Romans 14:12) for our actions.

Thank you for listening,
Rich and Dixie Justus

Mary M. Meyer

From: dkhueser [dkhueser@earthlink.net]
Sent: Monday, May 14, 2012 1:58 PM
To: Council Packet
Subject: Support the Fairness Ordinance

Importance: High

Dear Council Members,

I am writing to urge you all to pass the Fairness Ordinance before you today.

You heard the biggest reason to add this provision as a real civil rights issue. Those testifying gave you plenty of insight in to how many are ready and willing to discriminate with the LBGTQ community if given the opportunity. It is critical to protest the job market and housing market here in Lincoln by protecting all citizens from any form of discrimination.

While I don't personally think the Churches should be given a pass on abiding by the ordinance provisions, I am comfortable with the amendment being there. They will have to answer to a higher power for how they conduct their business and educate their congregations.

Please do not pass this Ordinance on to the community vote, this is a civil rights protection and you cannot ask the potential offenders for this sort of permission. You all know the history of establishing civil rights for protected classes of citizens.

Thank you all for your hard work on behalf of Lincoln, NE citizens.

Take time to play and have some fun!

Take Care,

Kathleen M. Hueser

Kathleen M. Hueser Ph.D., MCC
Creative Life Coach
dkhueser@earthlink.net

H 402-904-4332
C 612-202-2946
1245 N 26th St
Lincoln, NE 68503

"People will forget what you said, People will forget what you did. But people will never forget how you made them feel." Malcom Forbes



Consider the environment before printing this e-mail.

Mary M. Meyer

From: Colette Polite [colette.m.polite@gmail.com]
Sent: Monday, May 14, 2012 2:37 PM
To: Council Packet
Subject: Please pass the Fairness Ordinance

Dear Lincoln City Council Members,

I have lived in Lincoln for several years and have thoroughly enjoyed my time here. In the course of that time, I've always appreciated the "open and friendly" environment that's promoted within the city. I urge you to pass the Fairness Ordinance for a number of reasons. Primarily, I implore you to pass this ordinance for the sake of protecting the LGBT citizens of the city.

Lincoln would become an even better city with this ordinance that would send a strong message of tolerance.

Thank you for your time with this matter.

Sincerely,

Colette M. Polite,
Concerned Citizen

Mary M. Meyer

From: Joan Anderson [johnjoan@inebraska.com]
Sent: Monday, May 14, 2012 3:15 PM
To: Council Packet
Subject: Please support fairness ordinance

My gay nephew and my lesbian goddaughter deserve equal and fair treatment in housing, in the workplace and in public accommodations. They are both wonderful, kind, hard working people who contribute to society in worthwhile ways. We will all appreciate your "yes" vote.

Joan Anderson
3500 Faulkner Dr. Apt. D206
Lincoln NE 68516

Mary M. Meyer

From: Rita Shriner [reetz42@gmail.com]
Sent: Monday, May 14, 2012 5:02 PM
To: Council Packet
Subject: Support the Fairness Ordinance

I have the perfect idea on how to settle the LGBT proposal... Lets make a new proposal for all heterosexuals (especially those who discriminate “justly”) to have the same rights the LGBT people have (Not the rights the heterosexuals are privileged to have today.) If the gays, lesbians and transgendered are expected to live without rights, and God created everyone equal, then I think it is high time we pass a proposal for the heterosexuals to enjoy those same rights as the gays, lesbians and transgendered people. Then everyone would be treated “equal” and the squabbling should be over.

I’m sure that those “perfect ones” (the ones against the LGBT proposal) would be delighted if all gays would commit suicide. It is a shame that everyone who is “perfect” can’t walk in the shoes of a LGBT. They would never make it for one day, much less *every* day for the rest of their lives.

Mary M. Meyer

From: Colene Walker [colenewalker@hotmail.com]
Sent: Monday, May 14, 2012 9:46 AM
To: Council Packet
Subject: Anti-discrimination policy

This is to let you know that I support the inclusion of members of the LGBT community in the anti-discrimination policy. Please be fair to all of our citizens. Thank you. colenewalker

Colene Walker, 1301 Lincoln Mall, #507. Lincoln NE, 68508

Mary M. Meyer

From: Cindy Searcey [cin906@yahoo.com]
Sent: Monday, May 14, 2012 11:04 AM
To: Council Packet
Subject: Support the Fairness Ordinance

I do support the fairness and protection of this ordinance. I am a contributing member of this city and have been in management for years.

Cindy Searcey
USANA Health Sciences, Inc.
Independent Associate
www.csearcey.usana.com

Mary M. Meyer

From: Michael Johnson [mtjandabby14@yahoo.com]
Sent: Monday, May 14, 2012 11:01 AM
To: Council Packet
Subject: LGBT

Sir/Madam:

For what it is worth, count me as one Lincoln resident/citizen that supports the inclusion of members of our LGBT community in the anti-discrimination policy.

Michael Johnson

Mary M. Meyer

From: Marianne McHann [mmchann@neb.rr.com]
Sent: Monday, May 14, 2012 9:38 AM
To: Council Packet
Subject: Make Lincoln Fair

I started in the workplace in the 70's, when women were fighting for equal rights. What did I feel was required of me? To pretend I didn't have children, overtime was no problem (or weekends), and I would carry the load at home. The women in this age group today do not parse their loyalty, it's their family and their dignity.

So in telling this, I request that you do not let another group in society pretend to be something they are not. Allow them mobility and dignity.

Marianne McHann

Mary M. Meyer

From: Rachel Pokora [pokorarachel@yahoo.com]
Sent: Monday, May 14, 2012 9:08 AM
To: Council Packet
Subject: Fairness Ordinance

Dear members of the Lincoln City Council,

I write this email to urge you to pass the Fairness Ordinance. No worker should be judged on his/her sexual orientation but rather on the quality of his/her work.

I believe history will prove this to be the civil rights struggle of our time. Please, be brave. Stand on the side of justice. Show that Lincoln is the wonderful place I know it to be.

Sincerely,
Rachel Pokora
6411 Cleveland Ave
Lincoln, NE 68507

Mary M. Meyer

From: Steve & Carolyn May [smay@windstream.net]
Sent: Sunday, May 13, 2012 8:59 PM
To: Council Packet
Subject: Fairness Ordinance

Dear Lincoln City Council Members,

I urge you to vote against the fairness ordinance for the following reasons:

1. It is not the will of the majority of your constituents. If you think it is truly their desire to adopt this law, then put it to a public vote.
2. Recognizing gay/lesbian/bisexual/transgender individuals as a protected class only legislates tolerance of individuals whose behavior is considered abnormal by the majority of your constituents. And I believe you also do not consider this lifestyle normal because you would not want anyone from your family adopting this lifestyle.
3. It is a civil right to be gay/lesbian/bisexual/transgender but it is not a civil right to live a lifestyle that is considered abnormal by the majority. The atrocities reportedly being experienced by the gay/lesbian/bisexual/transgender community need to be stopped. It is their civil right that we all accept them as human beings and treat them as such but it is not their civil right to demand that we accept their lifestyle.
4. There are many who believe that the GLBT lifestyle is not only abnormal but is offensive (considered a sin) and this law is trying to force these individuals to accept this lifestyle in their workplace. That is not fair!

Some would say that I am a bigot. I say anyone who believes that this legislation is good for the city and yet would rather their son or daughter was not gay, lesbian, bisexual or transgender is the true bigot.

Stephen W. May, BS, MS, PhD

Mary M. Meyer

From: jane wemhoff [jmwemhoff@yahoo.com]
Sent: Sunday, May 13, 2012 7:21 PM
To: Council Packet
Subject: ordinance

I am opposed to the socalled Fairness Ordinance. It will set certain citizens, whose civil rights are presently protected by existing laws like all of us,into a special class, privileged with rigths that other citizens will not have. As a result , those who are religiously opposed to the actions of those who have chosen the homosexual and or trans-gender lifestyle, will be forced by law to accommodate those actions that are opposed to the teaching of our faith, or face criminal and civil punishment.

This is an infringement on our religious freedom which should be protected by law.

May God guide you as you deliberate this matter.

Lincoln Citizens;
Elmer and Jane Wemhoff

Mary M. Meyer

From: Joan Anderson [johnjoan@inebraska.com]
Sent: Monday, May 14, 2012 9:09 PM
To: Council Packet
Subject: Thank you

Thank you for passing the anti-discrimination measure! I'm proud of you!

Joan Anderson

Mary M. Meyer

From: Parks, M. (Michael) [Michael.Parks@cetera.com]
Sent: Tuesday, May 15, 2012 10:18 AM
To: Council Packet
Subject: Thank you for doing what is right!

Hello Lincoln City Council,

I'm writing as a fellow citizen of Iowa who is involved in a gay relationship with a young man from Spencer, Nebraska. I am 36, my partner is 34. Currently we live in Des Moines, Iowa. My partner's brother who is not gay lives in Lincoln, Nebraska he too was born and raised in Spencer, Nebraska. He knows that gays are actively discriminated against daily, the problem is trying to prove it.

I work as the IT site manager for Cetera Financial Group of West Des Moines. My partner used to work in assisted living and has moved on to being a barber. It has taken us many years to get to the place where we are now though at times it still feels like a struggle. Neither of us has HIV. I am a firm believer in freedom of speech. It is hard to listen to some of the false and outdated statements being made. Thank you for trying to make the world a better place for all, not just the elite few who want to control everyone else and their lives. I find it amazing to see so many people who supposedly wrap themselves in the cloth of god and freedom and then openly discriminate against others which completely goes against the core teachings of Jesus Christ and America.

Respectfully and Sincerely,

Mike Parks
Allied Digital for Cetera
7021 Vista Drive
West Des Moines, IA, 50266
(515) 564-4577
Direct Ext 44577
BlackBerry (515) 943-5515

Confidential: This email and any files transmitted with it are the property of Cetera Financial Group and/or its affiliates, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forward, printing, or copying of this message is strictly prohibited.

Mary M. Meyer

From: Susan Goodrich [susangoodrich2@gmail.com]
Sent: Monday, May 14, 2012 10:07 PM
To: Council Packet
Subject: Fairness

I support the inclusion of our LGBT community in the anti-discrimination policy.

Respectfully,

Susan Goodrich

Mary M. Meyer

From: Vicki Miller [vmiller2@unl.edu]
Sent: Monday, May 14, 2012 9:14 PM
To: Council Packet
Subject: Please support the anit-discrimination ordinance

Dear Lincoln City Council,
Lincoln is a city known for its good people and good life. Please vote FOR the fairness ordinance to extend basic protections to all of Lincoln's citizens. It's the right and fair thing to do.

Thank you,
Vicki Miller

1130 S. 20th Street
Lincoln, NE 68502
(402) 476-7498

Mary M. Meyer

From: Rodger Harris [randsharris@inebraska.com]
Sent: Monday, May 14, 2012 11:32 AM
To: Council Packet
Subject: Vote FOR amendment to Title 11 LMC.

Dear Lincoln City Council members,

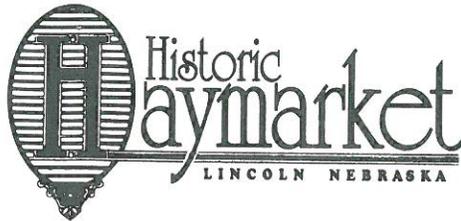
As a Lincoln resident I ask that you do the right thing and vote for the amendment to Title 11 LMC to prohibit discrimination. The suggestions for a public vote are simply a smoke screen for those who want their prejudices to continue.

Thankfully LBJ did not entertain for one minute a public referendum on the Civil Rights Act.

Rodger Harris

Phone Messages

1. Alan Moore. The Council took the minority vote over the majority vote of Lincoln taxpayers. Will be on the ballot.



Lincoln Haymarket Development Corporation

335 North 8th, Suite B
The Hardy Building
Lincoln, Nebraska 68508
(402) 435-7496

May 11, 2012

City Council Members
555 South 10th Street
Lincoln, NE 68508

RECEIVED

MAY 14 REC'D

CITY COUNCIL
OFFICE

Re: Lincoln Center Redevelopment Plan

Dear Council Members,

The Lincoln Haymarket Development Corporation (LHDC) whole-heartedly supports the proposed amendment to the Entertainment Center/Old Federal Building district in the Lincoln Center Redevelopment Plan, to add the Retail Corridors.

The amendment to the ordinance will help provide the funding to link Haymarket with Downtown Lincoln and Antelope Valley. In just over one year, West Haymarket will be bustling with activity. It is important to encourage that activity to move east and benefit all of Downtown. Additionally, when there is not an event in the Haymarket, drawing downtown visitors, residents, and employees to the Haymarket from greater downtown will be as important.

LHDC would also encourage the City Council to expand the area further north and west to assist in the linkages between the Haymarket and West Haymarket on 8th, R, and Q Streets. We intend to ask for an expansion of this area at a later date to allow for the vote on the current expansion to move forward without delay.

Please vote to amend the Plan and support the Haymarket and Downtown areas.

Sincerely yours,

Angela Tucci
President
LHDC

**DIRECTORS' AGENDA
ADDENDUM
MONDAY, MAY 21, 2012**

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS

MAYOR

1. NEWS RELEASE. Mayor Beutler's public schedule for the week of May 19, 2012 through May 25, 2012.
2. NEWS RELEASE. Lincoln Fire and Rescue to host open houses as part of EMS Week.
3. NEWS RELEASE. 5 City-TV again airing live shows.
4. NEWS RELEASE. Public invited to Annual Zoo Event.
5. City of Lincoln Executive Order on delegation of contract authority.

III. DIRECTORS

CITIZEN POLICE ADVISORY BOARD

1. The CPAB's decision on Complaint #02-12.

FINANCE/BUDGET

1. May sales tax reports reflecting March activity:
 - a) Actual Compared to Projected Sales Tax Collections;
 - b) Gross Sales Tax Collection (with refunds added back in) 2007-2008 through 2011-2012;
 - c) Sales Tax Refunds 2007-2008 through 2011-2012; and
 - d) Net Sales Tax Collections 2007-2008 through 2011-2012.

PLANNING COMMISSION

1. Final Action by the Planning Commission, May 16, 2012.

PLANNING DEPARTMENT

1. Metropolitan Planning Organization Technical Committee meeting agenda for May 24, 2012.
2. Nebraska Capitol Environs Commission meeting agenda for Thursday, May 24, 2012.

IV. COUNCIL MEMBERS

V. CORRESPONDENCE FROM CITIZENS

1. Ginny Wright. Comments and criteria for unisex, accessible bathrooms.

Date: May18, 2012

Contact: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Beutler's Public Schedule
Week of May 19 through 25
Schedule subject to change

Saturday, May 19

- Joshua Collingsworth Memorial Benefit Dinner and Auction, proclamation and remarks - 6:30 p.m., Sesostris Shrine Center, Highway 77 and Saltillo Road

Tuesday, May 22

- Nebraska Mental Health Association conference, remarks - Cornhusker Hotel, 333 S. 13th St.
- KFOR - 12:30 p.m. (pre-recorded)
- Rotary 14 dedication of Elliott School Playground, remarks - 5 p.m., 25th and "N" streets

Wednesday, May 23

- Appreciation celebration for Nebraska's Centennial Mall, remarks - 5 p.m., Billy's Restaurant, 1301 "H" St.

Friday, May 25

- Milestone Inspired Composites ribbon-cutting, remarks - 10 a.m., 245 N. 3rd St.

LINCOLN FIRE AND RESCUE
1801 "Q" St., Lincoln, NE 68508, 402-441-8350, fax 402-441-7098

FOR IMMEDIATE RELEASE: May 18, 2012

FOR MORE INFORMATION: Roger Bonin, Division Chief, 402-441-8355

LFR TO HOST OPEN HOUSES AS PART OF EMS WEEK

Lincoln Fire and Rescue invites the public to open houses at all fire stations from 1 to 3 p.m. Saturday, May 26 as part of EMS Week May 20 through 26. The national theme for this year's observance is "EMS: More Than A Job. A Calling."

The open houses include tours of the fire stations, and Firefighters will be available to check blood pressure and perform pulse oximetry and carbon monoxide checks.

The first stations are located at the following addresses:

Station 1 - 1801 "Q" St.	Station 8 - 2760 S. 17th St.
Station 2 - 1545 N. 33rd St.	Station 9 - 901 N. Cotner Blvd.
Station 3 - 121 S. 2nd St.	Station 10 - 1440 Adams
Station 4 - 5600 S. 27th St.	Station 11 - 3401 N.W. Luke
Station 5 - 3640 Touzalin Ave.	Station 12 - 2201 S. 84th St.
Station 6 - 5051 S. 48th St.	Station 13 - 1700 S. Coddington
Station 7 1340 S. Cotner Blvd.	Station 14 - 5435 N.W. 1st St.

More information on LFR is available at lincoln.ne.gov (keyword: fire).

OFFICE OF THE MAYOR

Citizen Information Center, 555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 18, 2012

FOR MORE INFORMATION: Bill Luxford, 5 CITY-TV, 402-441-6688

5 CITY-TV AGAIN AIRING LIVE SHOWS

5 CITY-TV, government access cable channel 5, is again carrying live programming after a technical issue was resolved today. The channel has been unable to air live meetings and events since May 15 due to a Time Warner Cable outage. All programs continue to be available through live video-streaming online at lincoln.ne.gov (click on the 5 CITY-TV icon). Many programs also are available through video-on-demand at the same website.

LINCOLN FIRE AND RESCUE

1801 "Q" St., Lincoln, NE 68508, 402-441-8350, fax 402-441-7098

FOR IMMEDIATE RELEASE: May 19, 2012

FOR MORE INFORMATION: Dan Ripley, Lincoln Fire and Rescue, 402-441-8360

PUBLIC INVITED TO ANNUAL ZOO EVENT

The public is invited to the 29th annual Fun Run/Walk - Zoo Day Saturday, May 26 at the Lincoln Children's Zoo, 1222 S. 27th St. The event is sponsored by Lincoln Fire and Rescue (LFR), the Lincoln Children's Zoo, HyVee, Wayne's Body Shop and radio stations 92.9 The Eagle and 96 KX.

Registration for the free Fun Run/Walk begins at 9:30 a.m. and the event starts at 10 a.m. in the parking lot at the Zoo entrance. Participants will circle the Zoo for one mile and finish where the race began. Those who participate will receive a free train ride around the Zoo.

Fire Safety Day at the Zoo continues until 3 p.m. LFR invites families with young children to visit the Children's Fire Safety House. LFR also will have a fire engine and ambulance on display, and other fire safety activities will be demonstrated inside and outside of the Zoo. Regular admission will be charged for those entering the Zoo.

For more information on this event, contact Firefighter Dan Ripley at 402-441-8360 or visit lincoln.ne.gov (keyword: fire).



CITY OF LINCOLN
NEBRASKA
 MAYOR CHRIS BEUTLER

smart # 12050143
 5-17-12/law/ce

**CITY OF LINCOLN
 EXECUTIVE ORDER**

NO. 85049

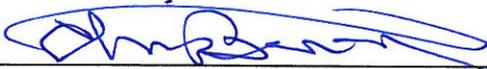
BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

I hereby accept and approve on behalf of the City, the attached Administrative Regulation No. 26 providing the delegation to execute any purchase, contract or other document having a financial impact of \$25,000 or less to the Directors of the Departments identified in Lincoln Municipal Code Section 2.02.020 and also to the Director of Equity and Diversity, the Director of the Lincoln Area Agency on Aging, the Mayor's Chief of Staff/Administrative Aide and the Purchasing Agent.

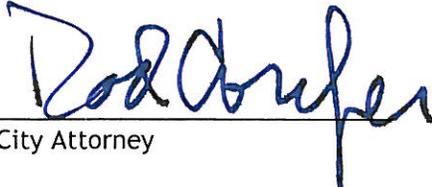
This Executive Order supersedes Executive Order No. 81495 dated August 7, 2008.

The City Clerk is directed to return an executed copy of this Executive Order and Administrative Regulation No. 2 to the Mayor's Office, Attention Denise Pearce.

Dated this 21st day of May, 2012.


 Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:


 City Attorney

ADMINISTRATIVE REGULATION

City of Lincoln

SUBJECT: Delegation of contract authority	EFFECTIVE DATE: <i>21 May 2012</i> , 2012	A.R. NO.: 26
APPLIES TO: All Departments and Divisions	SUPERSEDES: E.O. No. 81495 dated Aug. 7, 2008	Page 1 of 2

PURPOSE:

I hereby order, pursuant to the Mayor’s authority under the Lincoln City Charter, Article VII, Section 2, the delegation to execute any purchase, contract or other document having a financial impact of \$25,000 or less to the Directors of the Departments identified in Lincoln Municipal Code Section 2.02.020 and also to the Director of Equity and Diversity, the Director of the Lincoln Area Agency on Aging, the Mayor’s Chief of Staff/Administrative Aide and the Purchasing Agent. All such delegates shall be referred to as Directors within this Administrative Regulation.

DELEGATION:

1. This delegation is limited to those purchases, contracts and documents that occur within the Director’s department or division. This authorization is intended to apply to the execution of all purchases, contracts, agreements, memos of understanding, releases, change orders or documents which have a financial impact to the City of \$25,000 or less.
2. Any such purchase, contract or other document executed under this delegation shall still be required to follow all Charter and Municipal Code requirements and Mayoral directives, including those requirements of Lincoln City Charter Article VII and Lincoln Municipal Code Chapter 2.18.
 - a. All bidding requirements are still required as per the City Charter and municipal code.
 - b. All other charter, municipal code and policy requirements still apply. If informal quotes are sought, they must be documented. If a unit price contract or other city supply or service contract exists, you must use those contractors instead of going out with a new contract.
 - c. No Directorial Order shall be initiated by staff without the approval of the Director. A Director may not delegate his/her authority hereunder to any other person.
 - d. The initiating department should ensure the additional documents are included with the contract and are not expired. Such documents may include insurance, bonds, letters of credit, etc.
 - e. The initiating department should make sure that the contract is signed by the other party and that the other party has the authority to execute the contract. Usually, a partner or an officer of the corporation has this authority. Generally, a sales representative does not have this authority without some showing of delegation, which must be attached to the contract if that is the case. **The initiating Director shall sign the order before the review by other departments.**

ADMINISTRATIVE REGULATION

City of Lincoln

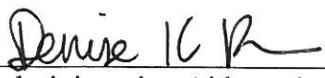
SUBJECT: Delegation of contract authority	EFFECTIVE DATE: <i>21 May 2012</i> , 2012	A.R. NO.: 26
APPLIES TO: All Departments and Divisions	SUPERSEDES: E.O. No. 81495 dated Aug. 7, 2008	Page 2 of 2

- f. The purchase or contract limit is \$25,000. **Projects, purchases or contracts should not be broken up to bring the Order under the \$25,000 limit.**
 - LMC 2.18.020 & 2.18.030. Single purchases of materials, parts, supplies and equipment up to \$1,500 can be made directly by the departments with three informal bids.
 - LMC 2.18.020 & 2.18.030. Repairs of equipment and facilities up to \$4,000 can be made directly by the departments with three informal bids.
 - LMC 2.18.030(h). Single purchases above \$1,500 and repairs above \$4,000 but less than \$10,000 can be made after three informal bids are secured and recorded by Purchasing Agent.
 - The acquisition of unique or noncompetitive articles does not require bidding.
- g. Documents that have no fiscal impact may be executed by Directorial Order. **The Mayor's office should be informed, prior to circulation and execution, when such documents involve sensitive or potentially controversial matters. Granting liquidated damages waivers should not be executed by Directorial Orders.**

ADMINISTRATION:

Such purchases, contracts and other documents shall be executed by Directorial Orders and shall be circulated for other departmental reviews in the same fashion as Executive Orders, ultimately being filed with the City Clerk's Office. After circulation and the review by the various appropriate departments, such Directorial Orders shall be filed by the City Attorney's office immediately with the City Clerk. Such Orders shall not become effective until filed with the City Clerk.

The foregoing Administrative Regulation, superseding Executive Order No. 81495, dated August 7, 2008, is hereby APPROVED.


Administrative Aide to the Mayor


Chris Beutler, Mayor of Lincoln

RECEIVED

MAY 18 REC'D

CITY COUNCIL
OFFICE

Memo



CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Office of the Mayor
555 South 10th Street
Suite 301
Lincoln, Nebraska 68508
402-441-7511
fax: 402-441-7120
mayor@lincoln.ne.gov

To: Mayor Beutler
City Council ✓
Chief Jim Peschong

From: Shirley Mora James *Smj*
Chair of the Citizen Police Advisory Board (CPAB)

Date: May 17, 2012

Re: Complaint #02-12

On May 16, 2012, the full CPAB met and, after considering Complaint #02-12 and all relevant reports, determined that no corrective action on the part of the Mayor and/or the Police Chief was warranted as a result of this complaint.

The Complainant was advised accordingly.

F:\FILES\MAYOR\Boards and Commissions (Denise)\Citizen Police Advisory\2012 Complaints\02-12\MemoToMayor&Council.Case02-12,05.16.12,dkp.doc

**Actual Compared to
Projected Sales Tax Collections**

	2011-12 PROJECTED	2011-12 ACTUAL	VARIANCE FROM PROJECTED	\$ CHANGE FR. 10-11	% CHANGE FR. 10-11
SEPTEMBER	\$4,803,859	\$4,542,250	(\$261,609)	(\$225,064)	-4.72%
OCTOBER	\$4,991,555	\$5,127,466	\$135,911	\$261,620	5.38%
NOVEMBER	\$4,997,421	\$5,146,367	\$148,946	\$256,447	5.24%
DECEMBER	\$4,686,548	\$4,895,766	\$209,218	\$199,975	4.26%
JANUARY	\$4,751,069	\$5,026,227	\$275,158	\$611,630	13.85%
FEBRUARY	\$6,012,155	\$6,282,249	\$270,094	\$431,942	7.38%
MARCH	\$4,434,331	\$4,722,926	\$288,595	\$789,398	20.07%
APRIL	\$4,252,500	\$4,528,243	\$275,743	\$116,508	2.64%
MAY	\$4,956,362	\$5,549,016	\$592,654	\$343,402	6.60%
JUNE	\$4,792,128				
JULY	\$4,833,186				
AUGUST	\$5,144,060				
TOTAL	\$58,655,174	\$45,820,510	\$1,934,710	\$2,785,858	6.47%

Actual collections for the fiscal year to date are 4.409% above projections for the year.

**CITY OF LINCOLN
GROSS SALES TAX COLLECTIONS
(WITH REFUNDS ADDED BACK IN)
2007-2008 THROUGH 2011-2012**

	ACTUAL 2007-2008	ACTUAL 2008-2009	ACTUAL 2009-2010	ACTUAL 2010-2011	FR. PRIOR YEAR	ACTUAL 2011-12	FR. PRIOR YEAR
					% CHG.		% CHG.
SEPTEMBER	\$4,612,020	\$4,812,555	\$4,703,478	\$4,822,814	2.54%	\$4,805,254	-0.36%
OCTOBER	\$5,052,950	\$4,845,000	\$4,687,315	\$4,987,584	6.41%	\$5,206,659	4.39%
NOVEMBER	\$4,818,715	\$4,937,998	\$4,922,939	\$4,938,240	0.31%	\$5,219,952	5.70%
DECEMBER	\$4,753,456	\$4,545,947	\$4,502,684	\$4,708,180	4.56%	\$4,901,748	4.11%
JANUARY	\$4,617,097	\$4,465,270	\$4,354,458	\$4,777,606	9.72%	\$5,076,013	6.25%
FEBRUARY	\$5,596,617	\$5,775,594	\$5,426,478	\$5,920,886	9.11%	\$6,327,532	6.87%
MARCH	\$4,421,405	\$4,258,773	\$4,226,466	\$4,418,795	4.55%	\$4,782,783	8.24%
APRIL	\$4,227,476	\$4,119,617	\$4,294,043	\$4,421,797	2.98%	\$4,572,281	3.40%
MAY	\$4,753,366	\$4,744,089	\$5,186,573	\$5,374,035	3.61%	\$5,675,978	5.62%
JUNE	\$4,859,251	\$4,624,054	\$4,662,293	\$4,995,388	7.14%		
JULY	\$4,983,976	\$4,501,197	\$4,567,893	\$4,865,530	6.52%		
AUGUST	\$5,026,702	\$4,856,331	\$5,105,968	\$5,245,798	2.74%		
TOTAL	\$57,723,030	\$56,486,425	\$56,640,589	\$59,476,653	5.01%	\$46,568,200	4.95%

**CITY OF LINCOLN
SALES TAX REFUNDS
2007-2008 THROUGH 2011-2012**

	ACTUAL 2007-2008	ACTUAL 2008-2009	ACTUAL 2009-2010	% CHG. FROM PRIOR YEAR	ACTUAL 2010-2011	% CHG. FROM PRIOR YEAR	ACTUAL 2011-2012	% CHG. FROM PRIOR YEAR
SEPTEMBER	(\$90,282)	(\$435,079)	(\$100,061)	-77.00%	(\$55,500)	-44.53%	(\$263,004)	373.88%
OCTOBER	(\$79,688)	(\$108,925)	(\$95,246)	-12.56%	(\$121,738)	27.81%	(\$79,193)	-34.95%
NOVEMBER	(\$158,855)	(\$86,760)	(\$149,347)	72.14%	(\$48,320)	-67.65%	(\$73,585)	52.29%
DECEMBER	(\$29,848)	(\$209,674)	(\$202,950)	-3.21%	(\$12,388)	-93.90%	(\$5,982)	-51.71%
JANUARY	(\$26,308)	(\$256,270)	(\$257,206)	0.37%	(\$363,009)	41.14%	(\$49,785)	-86.29%
FEBRUARY	(\$489,939)	(\$83,713)	(\$104,235)	24.51%	(\$70,579)	-32.29%	(\$45,283)	-35.84%
MARCH	(\$325,269)	(\$73,785)	(\$14,233)	-80.71%	(\$485,268)	3309.51%	(\$59,857)	-87.67%
APRIL	(\$108,764)	(\$70,988)	(\$75,738)	6.69%	(\$10,063)	-86.71%	(\$44,038)	337.64%
MAY	(\$22,529)	(\$117,201)	(\$68,551)	-41.51%	(\$168,421)	145.69%	(\$126,962)	-24.62%
JUNE	(\$136,308)	(\$444,973)	(\$110,343)	-75.20%	(\$104,492)	-5.30%	(\$75,618)	-27.63%
JULY	(\$478,184)	(\$331,804)	(\$251,505)	-24.20%	(\$73,768)	-70.67%		
AUGUST	(\$43,759)	(\$11,878)	(\$286,162)	2309.23%	(\$3,563)	-98.75%		
TOTAL	(\$1,989,734)	(\$2,231,050)	(\$1,715,576)	-23.10%	(\$1,517,108)	-11.57%	(\$823,307)	-42.82%

Year to date vs.
previous year

**CITY OF LINCOLN
NET SALES TAX COLLECTIONS
2007-2008 THROUGH 2011-2012**

	ACTUAL 2007-2008	ACTUAL 2008-2009	ACTUAL 2009-2010	% CHG. FROM PR. YEAR	ACTUAL 2010-2011	% CHG. FROM PR. YEAR	ACTUAL 2011-2012	% CHG. FROM PR. YEAR
SEPTEMBER	\$4,521,738	\$4,377,476	\$4,603,417	5.16%	\$4,767,314	3.56%	\$4,542,250	-4.72%
OCTOBER	\$4,973,261	\$4,736,074	\$4,592,069	-3.04%	\$4,865,846	5.96%	\$5,127,466	5.38%
NOVEMBER	\$4,659,859	\$4,851,237	\$4,773,592	-1.60%	\$4,889,920	2.44%	\$5,146,367	5.24%
DECEMBER	\$4,723,609	\$4,336,273	\$4,299,735	-0.84%	\$4,695,792	9.21%	\$4,895,766	4.26%
JANUARY	\$4,590,789	\$4,209,000	\$4,097,252	-2.65%	\$4,414,597	7.75%	\$5,026,227	13.85%
FEBRUARY	\$5,106,677	\$5,691,881	\$5,322,243	-6.49%	\$5,850,307	9.92%	\$6,282,249	7.38%
MARCH	\$4,096,136	\$4,184,988	\$4,212,234	0.65%	\$3,933,528	-6.62%	\$4,722,926	20.07%
APRIL	\$4,118,712	\$4,048,629	\$4,218,305	4.19%	\$4,411,735	4.59%	\$4,528,243	2.64%
MAY	\$4,730,837	\$4,626,889	\$5,118,022	10.61%	\$5,205,614	1.71%	\$5,549,016	6.60%
JUNE	\$4,722,943	\$4,179,081	\$4,551,950	8.92%	\$4,890,896	7.45%		
JULY	\$4,505,792	\$4,169,394	\$4,316,388	3.53%	\$4,791,762	11.01%		
AUGUST	\$4,982,944	\$4,844,454	\$4,819,806	-0.51%	\$5,242,236	8.76%		
TOTAL	\$55,733,297	\$54,255,376	\$54,925,013	1.23%	\$57,959,545	5.52%	\$45,820,510	6.47%

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : May 17, 2012

RE : Notice of final action by Planning Commission: May 16, 2012

Please be advised that on May 16, 2012, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution No. PC-01284, approving Special Permit No. 12018, with conditions, requested by Christ's Place Church, to allow outdoor seasonal sales to allow a temporary fireworks stand on property located at the southeast corner of the intersection of Warlick Boulevard and Old Cheney Road.

Resolution No. PC-01285, approving Special Permit No. 12020, with conditions, requested by First Street Bible Church, to expand a nonconforming use to allow the construction of a handicap entrance and parking lot, together with a reduction of the front yard setback along South 1st Street, on property generally located at South 1st Street and F Street.

Resolution No. PC-01286, approving Special Permit No. 10005A, with conditions, as amended, requested by Jeffrey L. and Trisha A. Keiser, to expand a special permit to operate a recreational facility (Camp Sonshine) in the AG Agricultural District, on property generally located at South 25th Street and Bennet Road.

Resolution No. PC-01287, approving Special Permit No. 12014, with conditions, as amended, requested by Geico Development, Inc., for authority to develop **Pleasant Hill Acres Community Unit Plan** for six dwelling units, together with a request to (1) modify the requirements of the AGR Zoning District to reduce the front, rear and side yard setbacks; (2) waive the future extensions requirement and grading of West Ridge Road and a future connection from Pester Ridge Road to the southern boundary; and (3) waive the required horizontal street alignment of Equestrian Drive, on property generally located at West Pleasant Hill Road and South Coddington Avenue.

This is final action unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the "Search Selection" screen and search by application number (i.e. SP12018, SP12020, SP10005A, SP12014). The Resolution and Planning Department staff report are in the "Related Documents" under the application number.



**City of Lincoln
Planning**

Metropolitan Planning Organization Technical Committee Agenda

METROPOLITAN PLANNING ORGANIZATION TECHNICAL COMMITTEE

A Technical Committee meeting is scheduled as follows:

DATE: May 24, 2012

TIME: 1:30 p.m. - 3:00 p.m.

PLACE: Conference Room 113, County/ City Building

AGENDA

- Roll Call and Acknowledge the "Nebraska Open Meeting Act"
- 1. Review and action on the draft minutes of the [April 26, 2012](#) Technical Committee meeting.
- 2. Review and action on the Fiscal Constraint of the draft [Lincoln City / Lancaster County FY 2013-2016 Transportation Improvement Program](#).
- 3. Review and action on the Lincoln-Lancaster FY 2012-2013 [Unified Planning Work Program](#) for Transportation Planning within the Lincoln Metropolitan Area.
- 4. Other topics for discussion.

 [History List](#)



**City of Lincoln
Planning**

**Nebraska Capitol Environs
Commission Agenda**

The Nebraska Capitol Environs Commission will hold a scheduled public meeting on Thursday, May 24, 2012. The meeting will convene at **8:00 a.m.** in **Development Services Center Room 214, 2nd Floor, County-City Building, 555 S. 10th Street**, Lincoln, Nebraska, to consider the following agenda. For more information, please contact the Lincoln/Lancaster County Planning Department at (402) 441-7491.

Agenda of May 24, 2012

1. Approval of meeting notes of [February 23, 2012](#)

* [Memo from Ed Zimmer](#)

Hearing/Action

2. Certificate of Appropriateness for work at TSB Building, NE corner 14th & M Streets
3. Certificate of Appropriateness for demolition of 1236 H Street
4. Update on Centennial Mall (plant materials, street furniture)

Discussion

5. Miscellaneous

[History List](#)

Mary M. Meyer

From: Virginia Wright [vkwfeline@aol.com]
Sent: Thursday, May 17, 2012 2:29 PM
To: Council Packet
Subject: "The Bathroom Issue" - Need for, criteria for unisex bathrooms in public places

Dear Council members – I just watched the end of last week’s public hearing re: gender identity & sexual orientation rights to protection. Dawn Buell is inadequately informed about “gender neutral” bathrooms. They are a solution. Unisex bathrooms serve the needs of people with disabilities who need assistance & do have the right to privacy. Not all personal assistants are the same gender as the person employing them. Family members can help their loved ones, regardless of age. My mother was able to assist my father without embarrassment to him or being in “the wrong bathroom” or with observers.

CRITERIA for unisex, accessible bathrooms are: open handed usable door hardware (lever); lockable from the inside, keyed on the outside (protect privacy & can be opened if emergency reported); one toilet with all the floor clearance; seat height, grab bar, sink, towel, soap, mirror & knee space criteria. Obviously, the building must be accessible for entry, egress, change of elevation et al.

Sincerely,

Ginny Wright