



**CITY OF OMAHA  
CITY COUNCIL AGENDA  
TUESDAY, SEPTEMBER 22, 2020**

**LEGISLATIVE CHAMBERS @ 2:00 P.M.  
1819 Farnam Street, Omaha, NE 68183**

Agenda and materials are available online at:  
<https://cityclerk.cityofomaha.org/city-council/agendas>

Watch the meeting live here: <https://citycouncil.cityofomaha.org/view-council-meetings>

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**CALL TO ORDER**

1. Roll Call
2. Pledge of Allegiance
3. Remarks by Councilmember Chris Jerram of District No. 3

**CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT**

4. City Clerk certifies publication in the Daily Record, the Official Newspaper of the City of Omaha on September 18, 2020, notice of the Pre-Council and Regular City Council Meetings, September 22, 2020.

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

**PRESENTATIONS AND PROCLAMATIONS**

5. Presentations and Proclamations

WHENEVER ANY PERSON HAS BEEN INVITED TO SPEAK, OR HAS BEEN GRANTED THE OPPORTUNITY OF SPEAKING BEFORE THE COUNCIL DURING A HEARING, EACH PERSON WILL BE REQUESTED TO BE BRIEF, AND TO LIMIT HIS OR HER PRESENTATION TO TEN MINUTES. WHEN MORE THAN ONE PERSON WISHES TO ADDRESS THE COUNCIL ON A GIVEN QUESTION, THE PROPONENTS WILL BE GIVEN THE OPPORTUNITY OF FIRST ADDRESSING THE COUNCIL. THE OPPONENTS OF THE QUESTION WILL BE GIVEN THE OPPORTUNITY TO SPEAK AFTER THE PROPONENTS' PRESENTATION. THE PROPONENTS WILL BE GIVEN A BRIEF PERIOD FOR REBUTTAL OF ANY NEW MATERIAL INTRODUCED DURING THE OPPONENT'S PRESENTATION, AFTER WHICH THE PUBLIC HEARING WILL BE CONCLUDED. IT IS CITY COUNCIL PROCEDURE THAT EACH SIDE RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

## **PLANNING ORDINANCE ON FINAL READING WITH PLANNING BOARD ATTACHMENT**

6. ORD. 42317 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located southeast of 189th Street and West Maple Road - (First Reading September 1, 2020; Second Reading September 15, 2020; Third Reading Public Hearing and Vote September 22, 2020) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

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## **CONSENT AGENDA**

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise provided by the City Council Rules of Order.)

(The public hearing on Agenda Item 7 was held on September 15, 2020.)

## **CONSENT AGENDA – ORDINANCE**

7. ORD. 42318 – An ordinance to approve the acceptance of and authorize disbursement from the FY2020/2021 Douglas County Board of Commissioners' Visitor Improvement Fund Grant in the amount of \$68,200.00; to further develop and improve the OMAR the Troll attraction along the riverfront at the Bob Kerrey Pedestrian Bridge as detailed in the grant application; to authorize the payments specified therein – (First Reading September 1, 2020; Second Reading and Public Hearing September 15, 2020; Third Reading September 22, 2020) – [see attached](#).

**(MOTION NEEDED THAT THE ORDINANCES ON THE CONSENT AGENDA BE APPROVED)**

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(The public hearings on Agenda Items 8 through 16 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

## **CONSENT AGENDA – RESOLUTIONS**

8. RES. 2020-0912 – Manager Application – To appoint Jessica V. Jones as manager to Omaha Hotel Partners, LLC, dba Cambria Hotel & Suites Omaha's Class C Liquor License located at 740 N 14th Street – [see attached](#).
9. RES. 2020-0913 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at The Hoppy Taco, 5003 Underwood Avenue – [see attached](#).
  - A. Communications in opposition – [see attached](#).

10. RES. 2020-0914 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at End Zone Sports Grill, 8525 Park Drive – [see attached](#).
11. RES. 2020-0915 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Gate 10, 414 S 10th Street – [see attached](#).
12. RES. 2020-0916 – Res. that, Section VIII of the Guidelines and Regulations for Driveway Location, Design and Construction be revised to change minimum drive-through lane stacking requirement for banks – [see attached](#).
13. RES. 2020-0917 – Res. that, as recommended by the Mayor, the updated City of Omaha Wastewater Service Agreement General Provisions, as a replacement to the current City of Omaha Wastewater Service Agreement General Provisions, are hereby approved and adopted for use in all applicable wastewater user agreements – [see attached](#).
14. RES. 2020-0918 – Res. that, the Amendment to the Maintenance Agreement among the City of Omaha, Wish in One Hand Enterprises, LLC, and the Privada Master Owners Association, for maintenance of roadside features and landscaping within the right-of-way at the Privada development located southwest of 204th Street and West Center Road, is hereby approved. – [see attached](#).
15. RES. 2020-0921 – Res. that, the amendments to the City of Omaha Park Rules, as set forth in Chapter 21 of the Omaha Municipal Code, is hereby approved – [see attached](#).
16. RES. 2020-0922 – Res. that, as recommended by the Mayor, the Amendment to the Cooperative Agreement between the Omaha Human Rights and Relations Department and the U.S. Department of Housing and Urban Development for reimbursement for processing fair housing discrimination complaints arising within its jurisdiction for HUD and for providing training, for the time period of October 1, 2020 to September 30, 2021, and in the amount of \$125,800.00, is hereby approved – [see attached](#).

**(MOTION NEEDED THAT THE RESOLUTIONS ON THE CONSENT AGENDA BE APPROVED)**

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### **ORDINANCES ON SECOND READING**

17. ORD. 42324 – An ordinance approving an Interlocal Agreement between the City of Omaha and Sarpy County and Cities Wastewater Agency involving payments of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which the Omaha wastewater treatment system is to accept and treat wastewater from the Agency Service Area; to authorize the Finance Department to receive payments from Sarpy County and Cities Wastewater Agency according to use as delineated in the Agreement – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020, Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**

18. ORD. 42325 – An ordinance approving an Agreement between the City of Omaha and Dan Bundy dba DRB Farms of Sarpy County, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Dan Bundy dba DRB Farms, will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2024, with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
19. ORD. 42326 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Holy Name Housing Corporation, to implement the HNHC Scattered Sites Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located in the general vicinity of 33rd and Miami Streets which proposes an affordable, infill housing redevelopment comprised of eight single-family, for-sale homes and a seven-unit row house structure; the agreement authorizes the use of up to \$275,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
20. ORD. 42327 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and MH Hospitality dba MH Ozone I, LLC, to implement the 44th & Douglas Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located southwest of 44th and Douglas Streets, which proposes the construction of a new seven story hotel with about 100 guestrooms and approximately 7,300 square feet of commercial area on the first floor; the agreement authorizes the use of up to \$3,000,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
21. ORD. 42328 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Millwork Parcel 8 Apartments, LLC, to implement the Millwork Parcel 8 Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 1200 North 12th Street, which proposes an infill redevelopment with a five story mixed-use building containing residential, retail and office space; the agreement authorizes the use of up to \$3,781,663.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
22. ORD. 42329 – An ordinance pursuant to Section 40-251 of the Omaha Municipal Code to amend an existing Class “A” Flammable Liquids Storage District, known as District No. A-130 at 4334 South 67th Street as requested by Kevin Ellman of William H. Harvey Company; to increase the total capacity to 160,000 gallons of Class 1 liquid at that site – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**

23. ORD. 42330 – An ordinance to approve a Master Services and Purchasing Agreement with Axon Enterprise, Inc., approving the purchase to replace and install 586 Axon Body camera systems and 586 Taser 7 CEW units, for a period of five years for a total cost of \$5,476,738.21, including implementation, replacement, training and support. The Agreement includes a subscription to Evidence.com for the storage and management of content in the body camera systems for five years. (Payment to be made from Police Department Grants in the amount of \$427,334.96; and from the Omaha Police Department General Fund 11111, Organization 113213 Information Technology/Mobile IT Unit, Account 42266 Information Technology Contracted in the amount of \$3,231,618.08; and from the Omaha Police Department General Fund 11111, Organization 113171 Training Academy, Account 46617 Safety Equipment in the amount of \$1,817,785.17.) – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
24. ORD. 42331 – An ordinance to approve the acceptance of the City of Omaha and Douglas County joint application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Application #2020-H8085-NE-DJ, in the amount of \$348,710.00 for law enforcement programs, prevention and education programs, prosecution and court programs, corrections and community corrections programs, and planning, evaluation and technology improvement programs during the period of October 1, 2019 to September 30, 2023; to provide the Council an opportunity for review and public comment for such application; and upon award of such grant to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
25. ORD. 42332 – An ordinance to approve a Local Authority/Business Economic Opportunity Program Agreement between the City of Omaha and Intervet, Inc. dba Merck Animal Health pursuant to the State of Nebraska Economic Opportunity Program to facilitate a road project at 21401 West Center Road – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**
26. ORD. 42333 – An ordinance to amend Chapter 30, Article VII, entitled “Firework Sales,” Section 30-263 of the Omaha Municipal Code; to amend the application period and deadlines, to create a process to change locations of consumer fireworks sales permits, and to harmonize provisions – (First Reading September 15, 2020; Second Reading and Public Hearing September 22, 2020; Third Reading September 29, 2020) – [see attached](#). **(PUBLIC HEARING TODAY)**

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## **NON-ACTION ITEMS**

(Items 27 through 39 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON OCTOBER 13, 2020)

## **SMELTER PLANT REPLAT 2**

27. ORD. 42323 – An ordinance to rezone property located northwest of I-480 at the Missouri River from HI-Heavy Industrial District to CBD-Central Business District (property is located within an ACI-1-Areas of Civic Importance Overlay District) – (First Reading September 15, 2020; **Second Reading September 22, 2020**; Third Reading, Public Hearing and Vote September 29, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
28. RES. 2020-0874 – Res. that, the Final Plat transmitted herewith entitled Smelter Plant Replat 2, a subdivision inside city limits, with a waiver to Section 53-4(d), Lot frontage, located northwest of I-480 at the Missouri River, is hereby approved, and concurrently portions of the existing plat entitled Smelter Plant Replat, and described on said replat, are hereby vacated. The applicant is City of Omaha – Inside City Limits – [see attached](#). **(LAID OVER TO THE SEPTEMBER 29, 2020 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 27)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS**

29. ORD. 42319 – An ordinance to rezone property located at 2106 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District – (First Reading September 15, 2020; **Second Reading September 22, 2020**; Third Reading, Public Hearing and Vote September 29, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
30. ORD. 42322 – An ordinance to approve a Major Amendment to a PUD-Planned Unit Development Overlay District located northeast of 192nd and Leavenworth Streets, to approve the Development Plan – (First Reading September 15, 2020; **Second Reading September 22, 2020**; Third Reading, Public Hearing and Vote September 29, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
31. ORD. 42320 – An ordinance to rezone property located at 1120 North 20th Street from GI-General Industrial District to DS-Downtown Service District – (First Reading September 15, 2020; **Second Reading September 22, 2020**; Third Reading, Public Hearing and Vote September 29, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
32. ORD. 42321 – An ordinance to amend the boundaries of the ACI-1-Area of Civic Importance Overlay District, to incorporate into that district the property located at 1120 North 20th Street – (First Reading September 15, 2020; **Second Reading September 22, 2020**; Third Reading, Public Hearing and Vote September 29, 2020) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **TAX INCREMENT FINANCING (TIF) PROJECT PLAN RESOLUTIONS**

33. RES. 2020-0896 – Res. that, the Ten Square Townhomes Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 618-636 North 46th Street, which proposes to construct a single residential structure containing ten (10) for sale market rate townhome units, and authorizes the City's participation through the allocation of TIF in an amount up to \$835,500.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, site preparation, architectural and engineering fees, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE OCTOBER 6, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
34. RES. 2020-0919 – Res. that, the 1420 Rows Court Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 1420 Villa Rows Court, which proposes the construction of 16 new residential rental units on a vacant 1.3 acre site in south Omaha, and authorizes the City's participation through the allocation of TIF in an amount up to \$250,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to site work, architectural and engineering costs, various studies, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

## **RESOLUTION**

35. RES. 2020-0920 – Res. that, the 24th & Q Street Southeast CRA located within Census Tract 28.00, Block Group 1, consisting of approximately 112.7 acres and generally bound by "Q" Street between 21st and 24th Streets, as well as "S" Street between 15th and 21st Streets on the north; "W" Street on the south; 21st Street between "Q" and "S" Streets, as well as 15th Street between "S" and "W" Streets on the east; and 24th Street on the west, is hereby declared to meet the definition of a substandard and blighted area in need of redevelopment in compliance with the requirements of Nebraska Community Development Law and is hereby designated as a community redevelopment area – [see attached](#). **(LAID OVER TO THE OCTOBER 20, 2020 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

## **ORDINANCES ON FIRST READING**

36. ORD. 42334 – An ordinance approving a contract between the City of Omaha and NebraskaLand Recycling LLC, in the amount of \$2,282,800.00, for OPW 53624, being the Omaha Mixed Recyclables Processing 2021-2030 Package A Project, involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which ORBIS Corporation will provide these services for a period of ten (10) years, beginning January 1, 2021 to December 31, 2030, with the option of two separate and additional five (5) year terms, at an annual estimated cost of \$2,282,800.00, per year to the City of Omaha, according to the terms and conditions contained within the Contract – **(First Reading September 22, 2020; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020)** – [see attached](#).

37. ORD. 42335 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Maple 37 Limited Partnership, to implement the HNHC Central Park Scattered Housing Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 3832 Saratoga Street, 3825 Browne Street, 3806 Camden Avenue, 3930 Camden Avenue, 4123 Camden Avenue, 5120 N. 41 Street, 5110 N. 40 Street, 5118 N. 40 Street, 4004 Grand Avenue, 4006 Grand Avenue and 3815 Fort Street, which proposes the construction of 11 new homes on vacant sites in north Omaha; the agreement authorizes the use of up to \$150,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading September 22, 2020**; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#).
38. ORD. 42336 – An ordinance to add Section 10-271.5 entitled “Omaha Douglas Public Building Commission” to Chapter 10, Article IX of the Omaha Municipal Code; to provide for an exemption from the payment of fees for permits and inspections made by the city on property owned by the Omaha Douglas Public Building Commission – (**First Reading September 22, 2020**; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#).
39. ORD. 42337 – An ordinance to amend Chapter 12, Article III, entitled “Prevention of COVID-19,” Section 12-51 of the Omaha Municipal Code; to extend the sunset provision – (**First Reading September 22, 2020**; Second Reading and Public Hearing September 29, 2020; Third Reading October 6, 2020) – [see attached](#).

#### **EXECUTIVE SESSION**

40. Motion to go into Executive Session for the purpose of discussing labor negotiations, personnel matters, and litigation.

#### **ADJOURNMENT**

**This Agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite LC-1, Omaha, NE, during normal business hours.**

**All requests for sign language interpreters (signers) will require a minimum of 48 hours advance notice. Alternative formats require a minimum of 72 hours advance notice. Please contact Sherri Brown at (402) 444-5554 if arrangements need to be made.**