



**CITY OF OMAHA  
CITY COUNCIL AGENDA  
TUESDAY, NOVEMBER 8, 2022**

**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>

Instructions for virtual participation via Zoom can be found on the City Clerk's web page at [www.cityofomaha.org](http://www.cityofomaha.org).

\*Pre-registration is not required for anyone attending the meeting in person.

\*[Address waiver form](#)

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**CALL TO ORDER**

1. Roll Call
2. Pledge of Allegiance
3. Remarks by Councilmember Brinker Harding of District No. 6

**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 November 4, 2022, notice of the Pre-Council and Regular City Council Meetings, November 8, 2022.

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

A person is allowed to speak during the public hearing of any agenda item or if the person is invited to speak by a City Councilmember regarding an item on the agenda. A person shall not be allowed to address the City Council at any other time during a meeting. Public hearings shall be conducted in the following manner: The presiding officer may invite the applicant/representative for an item to speak and/or make a presentation before the public hearing is opened. The presiding officer will then open the public hearing and call for proponents and then opponents. After all speakers have spoken, the presiding officer may provide the applicant/representative an opportunity for rebuttal. The presiding officer will then close the public hearing. The presiding officer shall determine the amount of time for speakers.

## **PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

### **THE VILLAS AT PINE CREEK WOODS**

6. RES. 2022-1069 – Res. that, the Preliminary Plat entitled The Villas at Pine Creek Woods, a subdivision outside city limits, located southwest of 156th and Potter Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is the Sullivan Development Company – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

### **OMAHA WORKS INDUSTRIAL PARK REPLAT SIXTEEN**

7. RES. 2022-1026 – Res. that, the Preliminary Plat entitled Omaha Works Industrial Park Replat Sixteen, a minor plat inside city limits, located northwest of 120th and I Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is PSG Properties, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

### **KENNEDY SQUARE EAST**

8. ORD. 43174 – An ordinance to rezone property located northeast of 30th Street and Spencer Street from R5-Urban Family Residential District, R7-Medium Density Multiple Family Residential District, and CC-Community Commercial District to R5-Urban Family Residential District – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
9. ORD. 43175 – An ordinance to rezone property located northeast of 30th Street and Spencer Street from R5-Urban Family Residential District, R7-Medium Density Multiple Family Residential District, and CC-Community Commercial District to R7-Medium Density Multiple Family Residential District – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
10. ORD. 43176 – An ordinance to rezone property located northeast of 30th Street and Spencer Street from R5-Urban Family Residential District, R7-Medium Density Multiple Family Residential District, and CC-Community Commercial District to CC-Community Commercial District – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

- 11. ORD. 43177 – An ordinance to amend the boundaries of the ACI-Area of Civic Importance Overlay District, to incorporate into that district the property located northeast of 30th Street and Spencer Street – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
- 12. ORD. 43178 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District (Mixed-Use Building) located northeast of 30th Street and Spencer Street, to approve the Development Plan – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
- 13. ORD. 43179 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District (Residential Uses) located northeast of 30th Street and Spencer Street, to approve the Development Plan – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
- 14. RES. 2022-1027 – Res. that, the Final Plat transmitted herewith entitled Kennedy Square East, a subdivision inside the city limits, located northeast of 30th Street and Spencer Street, is hereby approved, and concurrently portions of the existing plats entitled Gises Addition, Spencer Homes, and Tax Lot 5, and described on said replat, are hereby vacated. The applicant is Todd Lieberman, Brinshore Development – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
- 15. RES. 2022-1028 – Res. that, the Subdivision Agreement between the City of Omaha and Omaha Housing Authority, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Kennedy Square East (Lots 1-6 and Outlot A) and is located northeast of 30th and Spencer Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

**PLANNING ORDINANCE ON FINAL READING WITH PLANNING BOARD ATTACHMENTS**

- 16. ORD. 43180 – An ordinance to approve an Amendment to the Future Land Use Element of the City’s Master Plan to change the future land use map for the property generally located at 216th and Harrison Streets to identify this intersection as a Convenience Mixed Use Center (10 acres) – (First Reading October 25, 2022; Second Reading November 1, 2022; Third Reading, Public Hearing and Vote November 8, 2022) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

## **LIQUOR**

17. RES. 2022-1070 – Class D Liquor License for Casey’s Retail Company, dba “Casey’s 6170”, located at 3529 South 72nd Street. (New application, Old location). Present licensee is Bucks, LLC, who has a Class “D” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  18. RES. 2022-1071 – Class K Liquor License for Kathmandu Bar, LLC, dba “Liquor Store”, located at 5402 North 90th Street, Suite 5450. (New application, Old location). Presently hold a Class “D” Liquor License. Notice was posted on the property on 10-28-2022; Notification was sent to property owners within 500 feet on 10-28-2022 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  19. RES. 2022-1082 – Res. that, the Nebraska Liquor Control Commission is hereby requested to require K-Bob Inc., dba "415" at 415 S 13th Street in Omaha, Nebraska, to submit a formal application pursuant to the provisions of NEB. REV. STAT. § 53-135 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
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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 Items 20 through 24 was held on November 1, 2022.)

20. ORD. 43181 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the Floodwall Repairs and Coating System Rehabilitation at Flood Control Pump Station Project, identified as OPW 54270; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading October 25, 2022; Second Reading and Public Hearing November 1, 2022; Third Reading November 8, 2022) – [see attached](#).
21. ORD. 43182 – An ordinance to approve a Crosswalk Maintenance Agreement among the City of Omaha, KJ Crossroads Venture LLC, and The Crossroads Master Owners Association, concerning the allowable streetscape and sidewalk improvements in the right-of-way and the private maintenance and liability obligations thereof for the Crossroads site northwest of 72nd and Dodge Streets; to authorize the execution of said Agreement – (First Reading October 25, 2022; Second Reading and Public Hearing November 1, 2022; Third Reading November 8, 2022) – [see attached](#).

22. ORD. 43183 – An ordinance to approve a contract between the City of Omaha and Omaha Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Benson High School located at 5120 Maple Street; Blackburn Alternative School located at 3030 Spaulding Street; Buena Vista High School located at 5616 "L" Street; Burke High School located at 12200 Burke Boulevard; Central High School located at 124 North 20th Street; McMillan Magnet Center located at 3802 Redick Avenue; Monroe Middle School located at 5101 Bedford Avenue; Norris Middle School located at 2235 South 46th Street; North High School located at 4410 North 36th Street; Northwest High School located at 8204 Crown Point; South High School located at 4519 South 24th Street; and one uniformed K-9 certified police officer as a School Resource Officer and a canine to be available at any of the School District's High Schools, Middle Schools, or Alternative Schools, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work within the District each day that school is in session during the regular school year, or as otherwise directed by the school principal, not to exceed a 7.5 hour school day, from the first day of the semester of August, 2022, and expiring on July 31, 2025; reimbursement from the Omaha Public Schools to the City for Year 2022-2023 will begin at \$1,060,051.20 and will not exceed \$1,091,750.40; for Year 2023-2024 will begin at \$1,091,750.40 and will not exceed \$1,124,448.00; and for Year 2024-2025 will begin at \$1,124,448.00 and will not exceed \$1,163,884.80, in addition to Omaha Public Schools being responsible for other costs related to the canine – (First Reading October 25, 2022; Second Reading and Public Hearing November 1, 2022; Third Reading November 8, 2022) – [see attached](#).
23. ORD. 43184 – An ordinance authorizing the City of Omaha to enter into an Interlocal Cooperation Agreement between the City of Omaha, Douglas County, Sarpy County, City of Bellevue, City of Papillion, City of La Vista, Nebraska State Patrol, and the United States Department of Treasury – Internal Revenue Service, to re-authorize the Omaha/East Central Nebraska Metropolitan Drug Task Force for a term of five (5) years, which Agreement will automatically renew for two (2) additional one-year terms; that the cooperative effort of multiple law enforcement agencies is necessary for the effective enforcement against drug trafficking and related crime – (First Reading October 25, 2022; Second Reading and Public Hearing November 1, 2022; Third Reading November 8, 2022) – [see attached](#).
24. ORD. 43185 – An ordinance to amend Chapter 10, Article IV, Division 1, of the Omaha Municipal Code, entitled "Bidding Procedures," and to create Chapter 10, Article IV, Division 2, of the Omaha Municipal Code, entitled "Electronic Bidding;" by adding provisions to permit the submission of electronic bids and proposals for contracts; to establish definitions; to authorize the use of electronic signatures; to establish procedures for the designation of an electronic bidding system; to declare tampering with the system unlawful – (First Reading October 25, 2022; Second Reading and Public Hearing November 1, 2022; Third Reading November 8, 2022) – [see attached](#).

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

(The public hearings on Agenda Items 25 through 30 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**

25. RES. 2022-1072 – Res. that, as recommended by the Mayor, the contract with JMN Construction LLC, in the amount of \$708,922.95, for OPW 53425, being the Mercy Road Over Papio Creek Bridge Rehabilitation Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$708,922.95, from the Street Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2022 expenditure.) – [see attached](#).
26. RES. 2022-1074 – Res. that, as recommended by the Mayor, the Professional Services Agreement between the City of Omaha and HDR Engineering, Inc., with a cost to the City of \$385,599.95, for construction engineering services on Project STPC-3811(1), State Control No. 22209, and OPW 50417, 168th Street from Q Street to West Center Road Project, is hereby approved. (Will be paid from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha.) – [see attached](#).
27. RES. 2022-1076 – Res. that, as recommended by the Mayor, the extended agreement in the total amount of \$32,382.20 from Center Trophy Company to provide T-Shirts for the City of Omaha Parks and Recreation Programs for an additional year as contemplated in the original agreement entered on February 25, 2020 via Resolution No. 2020-0226, is hereby accepted. (The Finance Department is authorized to pay the Funds in the amount of \$32,382.20 to Center Trophy Company, from the General Fund No. 11111, and Organization Nos. 115025 – Ground Maintenance Contracts (\$426.15), 115111 – Community Center Administration (\$11,353.05), 115352 – Day Camp Summer (\$12,720.95), 115335 – Pool Administration (\$5,411.55), and Revenue Fund No. 21108, and Organization No. 115366 – Trap & Skeet (\$425.50) and Golf Operations Fund No. 21114 and Organization No. 115461 – Golf Administration (\$2,045.00).) – [see attached](#).
28. RES. 2022-1078 – Res. that, as recommended by the Mayor, the bid in the total amount of \$37,500.00 from Garret's Lawn Service to furnish all labor, materials and equipment necessary for the removal of the existing timber retaining wall at Deer Ridge Park, is hereby accepted. (The Finance Department is authorized to pay the Funds in the amount of \$37,500.00 to Garret's Lawn Service from the 2018 Parks and Recreation Fund 13357, Organization No. 117317, Parks and Cultures Bonds, Project I.D. No. 2000P505.) – [see attached](#).
29. RES. 2022-1079 – Res. that, as recommended by the Mayor, the purchase based upon the quote from Anderson Ford, Lincoln in the amount of \$48,320.00 for one Ford F150 Half Ton Crew Cab XLT truck with reverse sensing system for the Omaha Police Department Fleet/Facilities Unit, which represents Nebraska State Contract bid pricing, having been determined to be the best available current price for the Ford F150 Crew Cab XLT, is hereby approved. (The Finance Department is authorized to pay the cost of the Ford F150 Crew Cab XLT in the amount of \$48,320.00 from the Omaha Police Department, Year 2022, General Fund 11111, Organization 113141 Fleet/Facilities, Account 47031 Vehicles Small Law Enforcement Only.) – [see attached](#).

30. RES. 2022-1081 – Res. that, the appointment by Mayor Jean Stothert of Patrick J. Zach, VP Commercial Lending of Dundee Bank located at 302 South 38th Street, to be an additional member of the Blackstone Business Improvement Board to serve a three-year term commencing November 10, 2022, and expiring on November 9, 2025, is hereby confirmed and approved – [see attached](#).

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

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## **RESOLUTIONS**

31. RES. 2022-1073 – Res. that, as recommended by the Mayor, the contract with Eriksen Construction Co., Inc., in the amount of \$608,050.00, for OPW 53761, being the Storz Expressway Pumping Station Fuel Tank Improvements - 3rd & Hartman Avenue Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$608,050.00, from the 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217.) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
32. RES. 2022-1077 – Res. that, as recommended by the Mayor, the bid in the total amount of \$124,800.00 from Dostals Construction Co., Inc. to furnish all labor, materials and equipment necessary for the removal of existing poured surface and installation of new poured surface at Clarkson Park, located at 124 North 42nd Street, Omaha, Nebraska, being the only bid received within bid specifications, is hereby accepted. (The Finance Department is authorized to pay the Funds in the amount of \$124,800.00 to Dostals Construction Co., Inc. from the Cares Act Fund 17115, Organization No. 115012, Park Planning, the City of Omaha will be reimbursed by American Rescue Plan Act (ARPA).) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
33. RES. 2022-1080 – Res. that, as recommended by the Mayor, the Omaha Convention and Visitors Bureau's appropriation in the amount of \$250,000 for the FEI World Cup finals sponsorship agreement, is hereby approved. (The Finance Director is authorized to make payment in the amount of \$250,000.00 for Fiscal Year 2022, from Fund No. 21109 - Omaha Convention and Visitors Bureau, Organization No. 115911 - OCVB -Admin, Account No. 42221 - Sponsorship.) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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## **ORDINANCES ON SECOND READING**

34. ORD. 43189 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and 6952 North Half, LLC, to implement the Aksarben Keys Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 6952 Grover Street, which proposes the construction of a four and five story multi-family residential structure with 255 market rate apartment units; the agreement authorizes the use of up to \$6,573,639.00, plus capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**

35. ORD. 43190 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Skylark Development, LLC, to implement the Skylark Development Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 101, 115 and 117 S. 38th Avenue, which proposes the construction of a new seven (7) story mixed use building with 130 apartment units, with some first floor commercial uses, the agreement authorizes the use of up to \$3,800,000.00 plus capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**
36. ORD. 43191 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and JEH Enterprises, LLC, to implement the Industrial on Fort Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 1215 Fort Street, which proposes the new construction of a 66,000 square foot industrial building with 14 leasable bays; the agreement authorizes the use of up to \$1,134,734.00, plus capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**
37. ORD. 43192 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Kennedy East LIHTC, LLC, and between the City of Omaha and Kennedy East Market, LLC, to implement the Kennedy Square East Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located southwest of 30th and Bristol Streets, which proposes a 102 unit mixed income affordable housing complex with 11 residential structures and one mixed use building; the agreement authorizes the use of up to \$1,960,000.00, plus capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**
38. ORD. 43193 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Housing and Urban Development, Office of Public Housing Investments Public and Indian Housing, FY 2021 Choice Implementation Grant, Award #NE7D531CNG121. The grant award is in the amount of \$50,000,000.00, with a dedicated match in the amount of \$199,000,000.00, and total project amount of \$249,000,000.0). The award project period is September 15, 2022 to September 30, 2028; to provide funding for the Implementation of a “Transformation Plan” identified in the Grant Agreement, and uniting the Choice Neighborhoods goals and strategies for a holistic approach to housing, people and neighborhood; 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 November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**



39. ORD. 43194 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2022 Law Enforcement Mental Health and Wellness Act (LEMHWA) Grant Program, Award #15JCOPS-22-GG-04063-LEMH, in the amount of \$168,135.12, during the project period extending from September 1, 2022 to August 31, 2024; to implement a comprehensive stress management and suicide prevention program with mandatory mental health checks for select units within the Omaha Police Department (OPD); expand OPD peer support resources; and develop department-wide critical incident stress management policies and protocols; 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 November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**
40. ORD. 43195 – An ordinance to amend award special conditions three (3) and four (4) of the Nebraska Crime Commission FY 2021 STOP Violence Against Women (VAWA) Grant, Award #15JOVW-21-GG-00535-STOP (\$218,499.27) and Award #2019-WF-AX-0004 (\$30,142.91) and special condition 20 of Award #2019-WF-AX-0004 on Ordinance number 43102 passed September 20, 2022; to authorize payment from such grant funding and involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**
41. ORD. 43196 – An ordinance to amend Sections 18-12 and 37-54; to add new Sections 18-31 and 37-56; of the Omaha Municipal Code; to amend the nuisance, trees and vegetation codes as they relate to actions by the Parks, Recreation and Public Property Department, specifically adding new administrative fees – (First Reading November 1, 2022; Second Reading and Public Hearing November 8, 2022; Third Reading November 15, 2022) – [see attached](#). **(PUBLIC HEARING TODAY)**

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## **NON-ACTION ITEMS**

(Items 42 through 62 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 NOVEMBER 22, 2022 AND NOVEMBER 29, 2022)

## **LAKE CUNNINGHAM VILLAGE**

42. ORD. 43188 – An ordinance to rezone property located southeast of 96th and State Streets from DR-Development Reserve District to R5-Urban Family Residential District – (First Reading November 1, 2022; **Second Reading November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

43. RES. 2022-1050 – Res. that, the Final Plat entitled Lake Cunningham Village (Lots 169-252, Outlots M-R), a cluster subdivision outside the city limits, located southeast of 96th and State Streets, is hereby approved and accepted. The applicant is A1 Development – Outside City Limits – [see attached](#). **(LAID OVER TO THE NOVEMBER 15, 2022 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

44. RES. 2022-1051 – Res. that, the Subdivision Agreement among the City of Omaha, A1 Development, Inc., The Lake Cunningham Village Home Owners Association, and Sanitary and Improvement District (S.&I.D.) 602 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Lake Cunningham Village (Lots 169-252 and Outlots M-R) and is located southeast of 96th and State Streets – [see attached](#). **(LAID OVER TO THE NOVEMBER 15, 2022 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**

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

45. ORD. 43171 – An ordinance to rezone property located northwest and southwest of 168th and Shirley Streets from R3 – Single-Family Residential District (Medium-Density) to R6 – Low-Density Multiple-Family Residential District – (First Reading October 25, 2022; **Second Reading November 1, 2022/November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).

46. ORD. 43172 – An ordinance to rezone property located northwest and southwest of 168th and Shirley Streets from R3 – Single-Family Residential District (Medium-Density) to R7 – Medium-Density Multiple-Family Residential District – (First Reading October 25, 2022; **Second Reading November 1, 2022/November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

B. Communication in opposition – [see attached](#).

47. ORD. 43173 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northwest and southwest of 168th and Shirley Streets – (First Reading October 25, 2022; **Second Reading November 1, 2022/November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

48. ORD. 43186 – An ordinance to rezone property located at 2905 Q Street from GI – General Industrial District to CC – Community Commercial District – (First Reading November 1, 2022; **Second Reading November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

49. ORD. 43187 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 2905 and 2907 Q Street – (First Reading November 1, 2022; **Second Reading November 8, 2022**; Third Reading, Public Hearing and Vote November 15, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

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

50. ORD. 43197 – An ordinance to rezone property located at 2122 Poppleton Avenue from GI – General Industrial District to R5 – Urban Family Residential District – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

51. ORD. 43198 – An ordinance to rezone property located at 7270 Cedar Street from CC – Community Commercial District to R8 – High-Density Multiple-Family Residential District – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

52. ORD. 43199 – An ordinance to rescind the ACI-Areas of Civic Importance Overlay District for property located at 907 South 25th Street – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

53. ORD. 43200 – An ordinance to rezone property located at 2718 North 118th Street from LI-Limited Industrial District to CC-Community Commercial District – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

54. ORD. 43201 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 2718 North 118th Street – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

55. ORD. 43202 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a CC-Community Commercial District located at 2718 North 118th Street, to approve the Development Plan – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

56. ORD. 43207 – An ordinance to approve an amendment to the City’s Master Plan regarding the Housing Affordability Action Plan for the City of Omaha – (**First Reading November 8, 2022**; Second Reading November 15, 2022; Third Reading, Public Hearing and Vote December 6, 2022) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

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

57. RES. 2022-1075 – Res. that, the Greenwood Building Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 3819 North 24th Street, which proposes comprehensive rehabilitation of the 7,250 square foot building and a small 600 square foot addition on the rear of the structure. This mixed use building will have three apartments on the second floor with commercial kitchen, dining, office and flexible event space on the first floor, and authorizes the City’s participation through the allocation of TIF in an amount up to \$203,000.00, plus capitalized interest, to offset TIF eligible expenses including, but not limited to acquisition, site work, façade rehabilitation, architectural and engineering costs, 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](#). (**LAI D O V E R T O T H E D E C E M B E R 6 , 2 0 2 2 C I T Y C O U N C I L M E E T I N G T O A D V E R T I S E F O R P U B L I C H E A R I N G**)

### **ORDINANCES ON FIRST READING**

58. ORD. 43204 – An ordinance to approve an Agreement with Energy Center Omaha, LLC for supplying steamed and chilled water and related services to the Omaha Park VIII Garage and Pedestrian Tunnel for a period of ten years, subject to amendment and cancellation as specifically provided, with an initial steam consumption charge of \$17.43 per 1,000 pounds and a chilled water rate varying from \$0.2560 per ton hour to \$0.4876 per ton hour; said Agreement providing for payments from appropriations out of more than one year in conformity with Section 5.17 of the Home Rule Charter from Fund No. 21116, Organization No. 116249, 42531 – (**First Reading November 8, 2022**; Second Reading and Public Hearing November 15, 2022; Third Reading December 6, 2022) – [see attached](#).

59. ORD. 43203 – An ordinance to amend the title and Section 2 of Ordinance No. 43131, passed October 18, 2022 to change the property address to 6303 Q Street – (**First Reading November 8, 2022**; Second Reading and Public Hearing November 15, 2022; Third Reading December 6, 2022) – [see attached](#).

A. Planning Department recommends approval – [see attached](#).

60. ORD. 43205 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Falcon Ridge, located at 18011 Drexel Street, to allow for a 50-unit affordable multi-family senior housing project, with a reduction in the required off-street parking stalls from 100 to 57, between the City of Omaha and 180 Drexel, LLC, providing site development standards – (**First Reading November 8, 2022**; Second Reading and Public Hearing November 15, 2022; Third Reading December 6, 2022) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
61. ORD. 43206 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Huntington Park, located at 3410 N 156th Street, to allow an addition to the existing Hy-Vee for a warehousing and distribution (limited) use microfulfillment center operation on Lot 1 Replat 4, between the City of Omaha and Jon Dozler, Hy-Vee, providing site development standards – (**First Reading November 8, 2022**; Second Reading and Public Hearing November 15, 2022; Third Reading December 6, 2022) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
62. ORD. 43208 – An ordinance to authorize the City of Omaha Law Department to negotiate and the Mayor to execute settlement agreements between the City of Omaha and Douglas County School District No. 10 aka Elkhorn Public Schools, in the amount of \$1,124,453.53; the City of Omaha and Douglas County School District No. 17 aka Millard Public Schools, in the amount of \$83,852.10; the City of Omaha and Douglas County School District No. 66 aka Westside Community Schools, in the amount of \$3,693,048.02; and the City of Omaha and Douglas County School District No. 54 aka Ralston Public Schools, in the amount of \$662,369.79; to settle any and all claims regarding alleged overpayments made by the Douglas County Treasurer to the City of Omaha from Payment in Lieu of Taxes (“PILOT”) funds from Omaha Public Power District in the years 2019, 2020, and 2021; to pay out the settlement amounts by accepting a reduced distribution from the Douglas County Treasurer of future PILOT funds for the years of 2024 through 2029; to approve payment of money from appropriations of more than one year as provided in Section 5.16 and 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; and to authorize the Finance Department to allocate funds from BFY 2022, General Fund No. 11111, General Expense No. 119014 and take the necessary steps to implement this Ordinance – (**First Reading November 8, 2022**; Second Reading and Public Hearing November 15, 2022; Third Reading December 6, 2022) – [see attached](#).

## **EXECUTIVE SESSION**

63. 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 accommodations, including interpreters and signers, will require at least 2 business days advance notice. Please contact the City Clerk’s Office at [cityclerk@cityofomaha.org](mailto:cityclerk@cityofomaha.org) to request a copy of the required form if arrangements need to be made.**



**CITY OF OMAHA  
CITY COUNCIL PRE-COUNCIL MEETING AGENDA  
TUESDAY, NOVEMBER 8, 2022**

**JESSE LOWE CONFERENCE ROOM @ 10:30 A.M.  
Omaha/Douglas Civic Center  
1819 Farnam Street, Omaha, NE 68183  
[www.cityofomaha.org](http://www.cityofomaha.org)**

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

1. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on November 4, 2022, notice of the Pre-Council and Regular City Council Meetings, November 8, 2022.
2. A current copy of the Open Meeting Act is located on the table next to the City Clerk.

**DISCUSSION TOPICS**

3. Discussion of Agenda Items and matters pertaining thereto.

**EXECUTIVE SESSION**

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

**ADJOURNMENT**

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**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 Kimberly Hoelsing at (402) 444-5552 if arrangements need to be made.**