

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 8, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Council Members' "Noon" Meeting of December 1, 2003.
2. Pre-Council Meeting Minutes - Executive Session - RE: Litigation - December 1, 2003.

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

1. Lincoln Partnership for Economic Development Investors' Meeting (Camp)
2. Parks & Recreation Advisory Board Meeting (Cook)
3. Joint Budget Committee Meeting (McRoy/Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. You are cordially invited to the Havelock Business Association 44th Annual Christmas Breakfast on Tuesday, December 9, 2003 at 8:00 a.m. at Isles Reception Hall, 6232 Havelock Avenue - Please RSVP at 434-3107 by December 4, 2003. (Council's Invitation placed in their file folders on 12/01/03)
2. Irvingdale Neighborhood Holiday Open House on Saturday, December 13, 2003 from 7:00 p.m. to 9:00 p.m. - 2217 Worthington - Bring your favorite holiday snack or dessert, drinks will be provided - Bring an item for the White Elephant Auction proceeds go to the Irvingdale Neighborhood Association. (See Invitation)
3. E-Mail from Lynn Johnson to invite your participation in the next public meeting regarding the current study for a new community center to serve central Lincoln neighborhoods - Malone/Central Lincoln Community Center Public Meeting on Tuesday, December 9, 2003 from 6:30 p.m. to 8:30 p.m. at Elliott Elementary School Gym, 225 S. 25th Street. (See Invitation)

4. Storm Sewer Project Informational Open House on Monday, December 8, 2003 at Hartley Elementary School-Cafeteria, 730 North 33rd Street - Presentation at 7:00 p.m. - View Displays at 7:30 p.m. - (See Invitation)
5. United Way of Lincoln and Lancaster County - Please join us ... Friends of United Way & CHAD - 2003 Campaign Finale - on Thursday, December 18, 2003 from 5:00 p.m. to 7:00 p.m. - Program will begin at 5:45 p.m. - At Nebraska Champions Club, 707 N. 10th Street, West of the Nebraska Stadium - RSVP to 441-7700 or by E-Mail. (See Invitation)
6. Please join the Lincoln Chamber of Commerce for the 2004 Annual Meeting - on Wednesday, January 28, 2004 - 11:15 a.m., Reception - Noon, Luncheon Program - Keynote Speaker: Jonathan Alter - In the Atrium, adjacent to the Grand Ballroom at 11:15 a.m. - At The Cornhusker Grand Ballroom doors will open at 11:50 a.m. - \$35.00 individual (\$50.00 for non-members) - Please RSVP no later than January 7, 2004 - (See Invitation)

VI. MISCELLANEOUS

1. Discussion on 'open mic' & public testimony.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, DECEMBER 8, 2003
CONFERENCE ROOM 113

Council Members Present: Jon Camp, Chair; Terry Werner, Vice-Chair; Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda; *ABSENT:* Jonathan Cook

Others Present: Ann Harrell, Cori Kielty, Mayor's Office; Dana Roper, City Attorney; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

I MINUTES

1. Minutes from Council Members' "Noon" Meeting of December 1, 2003.
2. Pre-Council Meeting Minutes - Executive Session - RE: Litigation - December 1, 2003.

Chair Camp requested a motion to approve the above-listed minutes. Ken Svoboda moved to approve the minutes, as presented. The motion was seconded by Glenn Friendt and the minutes were approved, as presented, by general consensus of the Council Members.

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

1. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS' MEETING (Camp) Mr. Camp reported that some fascinating things had gone on. He stated that Jim Fram went through a host of things which LPED is doing currently. Next month we will see what happened on broadening the base of representation with community groups. There was also discussion of the big campaign to raise at least \$925,000 and they're still counting on \$250,000 from the City. The goal is to build up a fund for an economic recruitment budget - a very pro-active approach. They're going into a website with the GIS Survey. LES has participated in that. It sounds like they're moving into a fast/high gear.

2. PARKS & RECREATION ADVISORY BOARD (Cook) - Carry Over to December 15th "Noon" Meeting

3. JOINT BUDGET COMMITTEE (McRoy/Werner) Ms. McRoy reported that a DayWatch meeting had been scheduled for community funders, because the Director of Matt Talbot has resigned [much of Ms. McRoy's comments were inaudible]. The meeting, unfortunately, will be held on a Monday when the Council is in session, so neither Terry, nor Ms. McRoy would be able to attend.

She reported that JBC was working on a gambling study. They have a contractor and will start looking at [inaudible] indicators and benchmarks that we've updated because there is thought that in an upcoming Legislative session something may be passed State-wide.

Ms. McRoy noted that there will be a Malone Center meeting Tuesday night and all the JBC members received invitations. She stated that T.J. McDowell is resigning one of his dual positions. He has been Director of the Light House and has been on loan for the last several months to the Malone Center as interim director. But, with family responsibilities and his other work, he felt he was not doing justice to the Light House organization or to his family, so he resigned from the Malone Center position. He'll continue to assist, but not on a full time basis.

The Malone Center changed some of the requirements for a Director and they're re-opening the search. They're expanding their search since the initial result was not suitable. They've made a few minor adjustments to their criteria. They're hoping to bring in some more people [from which to make a choice]. She noted that perhaps the person won't have to be African-American - but just someone who can do the job.

OTHER MEETINGS - None

III. APPOINTMENTS/REAPPOINTMENTS - None Ms. Kielty did state, however, that there may be an opening on the LES Board. There are three re-appointments coming up. She noted if Council would like to keep that in the back of their minds, she would let them know as soon as she finds out [if the current office holders are willing to accept reappointment].

Mr. Camp asked who was up for renewal? Ms. Kielty answered that she did not remember the names other than Mr. Jerry Shoecraft.

IV. REQUESTS OF COUNCIL FROM MAYOR - None

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS -

1. Discussion on 'open mike' & public testimony. Council Members discussed the open mike at formal meetings which included not only the end of the meeting comments, but also public testimony on Agenda Items. After a lengthy discussion, it was determined that Dana Roper would draw up new policy rules for this portion of the Council Meetings. The points Council requested Mr. Roper to consider in his deliberations:

- 1) Limit Public Input to those who have signed up through the Clerk's Office
 - A. Sign Up either by e-mail
 - B. Phone call or
 - C. In person
 - D. Meet City Clerk's cut-off time for sign up so that the issue can be placed on the upcoming Formal Agenda

- 2) No Open Mike other than for those who have signed up through Clerk's Office
- 3) Have the topic explicitly stated on the Agenda
- 4) Limit the Time on input to 5 Minutes for an applicant and 3 minutes for everyone else on any issue. This would be for Agenda Items as well as the Open Mike portion of the meeting.
 - A. The Developer would have time extended by Council approval, or through questioning by the Council.
- 5) Have the public input only at the 2nd Monday meeting and the Night Meetings each month.
- 6) If a Citizen had a burning issue that needed to be addressed immediately, contact any Council Member to have it brought to the floor.
- 7) Setting a cut-off time for the entire public hearing portion of a meeting regardless of the topics.

It was agreed to have Mr. Roper put these recommendations into a written policy and rules change which would take effect after the first of the year. Mr. Roper stated that he would work on putting something together for Council by that time. He explained that the State Open Meetings Law is nebulous - it states that the public has a right to speak, but not the right to speak at *every* meeting. The determination of how often is up to Council. That is the unanswered question - Perhaps, he noted, when the ACLU or the Journal Star sues us, we'll get an answer.

Mr. Friendt asked if the ACLU wouldn't have sued Omaha if they were over the boundary? Mr. Roper commented that they are here and they get more interested in what we do here in Lincoln than they do with Omaha's business. Mr. Roper did comment that it would probably be okay - he felt we could justify the public input at just two out of four meetings each month.

It was agreed that Mr. Roper would draw up the final revision of these rules and policies for review and then have Council adopt them after the first of the year. Mr. Roper added the rules should also cover those items called together, as an efficiency measure, and should state clearly that the time would be five minutes for all of the items.

VII. COUNCIL MEMBERS -

JON CAMP - Mr. Camp noted that he was very concerned about the process on the Urban Search and Rescue issue. Mr. Svoboda stated that he felt that discussion should certainly be held at the public meeting.

JONATHAN COOK - Absent

GLENN FRIENDT - Mr. Friendt explained to the Council Members that he had given each of them a copy of the decision from the Disclosure and Accountability Office which stated that he does not have a conflict as it relates to the smoking ordinance. He will be able to vote on this issue. The full assessment and opinion is on file with the City Clerk if anyone would like to read the entire document. He noted that he would be very happy to comply with the will of the majority if they wished him to stand down on this issue.

This brought forward the issue of Mr. Cook's absence today with discussion on whether or not to delay the vote on the smoking ordinance until all members were present. It was decided, since this was such an important and controversial issue, to wait until all Council Members were present before proceeding with the vote on the smoking ordinance.

Ms. Newman had a procedural question. She wondered what motion was currently on the floor. She asked if the substitute - Amended Ordinance #2 - is what is on the floor right now. Who brought that forward? Mr. Roper stated that the motions to amend that were made at the last meeting (and which the Law Department had cleaned up) and the Amended Ordinance #1 was what was on the floor at this time..

He explained that the California language that Council had requested which stated that the owner or proprietor was exempted from enforcing the ordinance if they were fearful for their safety in attempting enforcement had been deleted. Mr. Roper told Council that the prosecutors had said they thought that would be a problematic loop-hole. He explained to Council that it was no worse than a bar owner who refuses to serve an intoxicated patron anymore liquor - there is no exemption for bar owners if they're afraid to say "no more". He informed Council that that particular language was taken out of the ordinance because they thought there would be an enforcement problem with that language. Mr. Roper noted that if Council chooses to put that language back in, you may.

Mr. Roper stated that if Council were comfortable with the language, and wanted to at least get the amended ordinance on the floor, they should move the last draft of the ordinance, with the submitted corrections. Council agreed that they should at least do that much today. Ms. Newman asked if then, there is nothing on the floor at this time that needs to be addressed? Mr. Roper stated that what is on the floor now would be what was done last week - the ordinance as amended to date. What the Law Department is offering is a cleaned up version of that amended ordinance.

Mr. Svoboda commented that this discussion should be at the formal meeting where Council would have Mr. Roper explain publicly what he had just presented to Council. Council members agreed that this would be appropriate.

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

CORI KIELTY - No Further Comments

DANA ROPER - No Further Comments

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

cm120803/jvr