

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 7, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Eskridge, Hornung, Schimek; City Clerk, Joan E. Ross. Absent: Emery.

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of April 30, 2012 reported having done so, found same correct.

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

**PRESENTATION BY POLICE CHIEF JIM PESCHONG
BYRNE JUSTICE ASSISTANCE GRANT**

Police Chief Jim Peschong came forward to state that this year, the Lincoln Police Department was awarded a grant of \$190,600.00 from the Justice Assistance grant. The money is used to operate much of the Lincoln-Lancaster County narcotics task force. They are required to allow this opportunity for public comment on this grant.

PUBLIC HEARING

APPROVING THE APPOINTMENT OF MARCIA WHITE TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015 - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to present Marcia White.

Marcia White came forward to introduce herself and to answer questions. She lists indigent care, environmental health, and good stewardship of taxpayer dollars as three high priorities that she will address during her tenure on the board. The Council thanked her for volunteering her time.

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 - Tyler Richard, President of OutLinc, came forward to introduce this ordinance. His organization works to make Lincoln the most welcoming place in the Midwest for gay and transgender people to live, work and play. The fairness ordinance would continue Lincoln's tradition of ensuring that everyone has access to the same opportunities and protections. It simply adjusts existing policy by adding sexual orientation and gender identity to the protected class list. Religious exemptions are strengthened in order to continue to allow people of faith to uphold their personal values while balancing the common goal of preventing discrimination.

Dr. Jason Coleman, Assistant Professor at University of Nebraska at Omaha, came forward on his own behalf to present results from the Midlands LGBT Community Needs Assessment research study. Over one third of LGBT persons who live in Lincoln indicated experiencing some form of employment related discrimination because of their actual or perceived gender identity. Further analysis indicated that such experiences are related to negative health outcomes, particularly in regard to mental health, with a higher rate of depressive symptoms. Suicide is also a significant issue for LGBT Nebraskans. Dr. Coleman stated that it is his opinion that workplace discrimination based on actual or perceived LGBT status is a real issue in Lincoln and it has significant negative health outcomes for the individuals experiencing discrimination, for employers, and for the community.

Dr. Pat Tetreault came forward on her own behalf and described her work with the Lesbian, Gay, Bisexual, Transgender, Queer and Ally community at the University of Nebraska. She stated she has experienced the benefit of having a non-discrimination policy at her workplace. Though it does not eliminate prejudice, it sends a clear message that the inequity is recognized and the intention is to treat people fairly. Personal beliefs should not result in discrimination in the public realm and the government is not meant to support a particular religious belief. Everyone deserves the opportunity to be treated and evaluated fairly based on character and skills rather than on perception and beliefs. Dr. Tetreault stated that she is regularly contacted by prospective students and faculty asking about the climate at the University and in Lincoln. Having nondiscrimination policies in place makes a difference.

Laurel Marsh, ACLU Nebraska, came forward to state that the ACLU works to ensure that LGBT people have equal opportunity to participate fully in civil society by securing freedom from sexual orientation and gender identity discrimination in the workplace, housing, businesses and public places. There are several common arguments against the inclusion of sexual orientation and gender identity in anti-discrimination ordinances. Some argue that sexual orientation is a choice and that protection should not be offered to those who

REGULAR MEETING

May 7, 2012

Page 46

make a choice that could result in discrimination. But choices, or the lack thereof, are not the reason for protected status. The reason for protected status is determined because of the litany of qualities by which people do in fact suffer discrimination. There have also been recent questions about Lincoln's authority to adopt the fairness ordinance. Nebraska statute clearly empowers political subdivisions, including cities, to pass civil rights ordinances to give protections based on characteristics beyond those found in state law. This is a matter of good public policy and basic fairness.

Rod Confer, City Attorney, came forward to discuss concerns regarding the City's authority to pass this ordinance. Nebraska State Statute 20-113 provides that cities not only have the authority to enact legislation which is substantially equivalent to state law, it goes on to state that any city has the authority to pass more comprehensive legislation in the general area of civil rights. Lincoln is a home rule charter city which means that the City's Charter provides for the enactment of any legislation on a local subject that is not in conflict with state law or prohibited either by the Charter or by State Statute. He stated he has also been asked to address a question concerning people of the opposite sex entering restrooms. If an individual enters simply to use facilities and causes no disturbance, that would be permissible under this ordinance. This topic has been researched, and city attorneys were unable to find a single case in all of the cities that have passed similar legislation where this has been a problem. In answer to Council questions, Mr. Confer confirmed that there was an opinion issued by the City Attorney in 1981 that stated that Lincoln did not have the authority to pass this type of ordinance. There was also an earlier opinion that came to the opposite conclusion. The opinion of the State Attorney General on this issue is only advisory and does not have any binding effect on the City of Lincoln. If the ordinance were to pass, it would be unlikely that the Attorney General would attempt to challenge it. One way that litigation might arise is if someone felt the ordinance was unconstitutional.

Jocelyn Golden, Assistant City Attorney, came forward to state that currently in Title 11, there are religious exemptions that allow religious organizations the ability to choose who they employ or provide public accommodation or housing to, with a preference toward their particular religion. The language of this ordinance was patterned after Omaha's and it specifically outlines that religious organizations would have the opportunity to exclude people. Requests for additional language to be laid out in a specific way were addressed by Motion to Amend No. 1.

Rod Confer, in reply to Council questions, answered that existing amendments would be under scrutiny if this passed in Council and was then challenged. Under the opinion issued by the Attorney General, the protections that we currently have in our ordinance on the basis of disability, familial status, ancestry, age, and marital status, would be invalid. If this issue were to appear on a ballot, there would need to be a separate ballot question for each group being considered. He stated that free speech rights of churches and individuals are protected by the 1st Amendment and would in no way change.

Tom Casady, Public Safety Director, came forward to state that he believes Lincoln is a comparatively tolerant city. Nonetheless, there are problems. 34 crimes have been reported to the LPD in the past 5 years in which a victim was targeted due to his or her perceived sexual preference or gender identity. Most of these crimes are never reported. This ordinance is a way to reduce the chance that members of the LGBT community are targeted for these kinds of crimes. It defines in clear terms the limits of behavior that citizens find tolerable in Lincoln. Outlawing minor forms of discrimination and intolerance makes it less likely that more serious forms of intolerance will occur. This is a step in making Lincoln an infertile ground for the attitudes that nurture the mindset of people whose moral conscience allows them to judge people by their characteristics, rather than by their character. In answer to Council questions, Mr. Casady replied that attitudes, norms and values are changing as they did with other issues. The law is simply reflecting that change. He went on to state that he has been in the line of duty with many individuals that would be protected by this ordinance and he stands in defense of their rights as citizens of this community.

Terry Teachman came forward in opposition of the ordinance.

Karla J. Cooper came forward in support of the ordinance.

Stephen C. Griffith came forward with a statement of support for this ordinance signed by 24 members of the Lincoln clergy. In answer to Council questions regarding the religious exemption from this ordinance, Mr. Griffith replied that his own church already includes everyone regardless of their sexual orientation or gender identity, so it is reasonable that other churches with different religious and theologic ideas should also be allowed the right to make their own decisions for their own worship services and activities.

Nancy Erickson came forward in support of this ordinance.

Jay Schmidt came forward in support of this ordinance.

Shane Thompson, Board Member of OutLinc, came forward in support of this ordinance.

Korey Reiman came forward in support of this ordinance.

Ben Gray, Omaha City Councilman, came forward in support of this ordinance. In answer to Council questions, he replied that there has been no substantial increase in litigation in any city that has passed similar legislation. Legislation pertaining to human rights is generally not voted upon via ballot measure. The exemption for religious organizations came about because some churches requested it. Religious communities are protected under the 1st Amendment of the Constitution. This ordinance protects the rights of LGBT citizens in the workplace and public accommodations.

Clay Farris Neff came forward in support of this ordinance.

Terry Werner came forward on behalf of the Nebraska chapter of the National Association of Social Workers in support of this ordinance.

Debra Hope, came forward in support of this ordinance.

Beatty Brasch, Director of Center for People in Need, came forward in support of this ordinance.

Michael Dunn came forward on behalf of the Association of Students at the University of Nebraska in support of this ordinance.

Alan Potash, came forward representing the Anti-Defamation League in support of this ordinance.

Cynthia Hartley, President of the Lincoln chapter of Parents, Family, and Friends of Lesbians and Gays, came forward in support of this ordinance.

Kim Taylor-Riley, Director of Equity and Diversity, came forward on behalf of the Lincoln Commission on Human Rights in support of this ordinance.

Gary J. McLaughlin came forward in opposition to this ordinance.

Bob Bennie came forward in opposition to this ordinance.

Scott Wiles came forward in opposition to this ordinance.

Gordon Opp came forward in opposition to this ordinance.

5:30 P.M. BREAK

5:40 P.M. RECONVENED

Barbara DiBernard came forward in support of this ordinance.

Steve Davenport came forward in opposition to this ordinance.

Cyndi Lamm came forward in opposition to this ordinance.

Lance McCord came forward in opposition to this ordinance.

Earl Barnawell came forward on behalf of the Lincoln Friends Meeting Quakers in support of this ordinance.

Hannah Buell came forward representing the Nebraska Family Council in opposition to this ordinance.

Femi Awodele, came forward in opposition to this ordinance.

Dave Gehrls came forward in opposition to this ordinance. In answer to Council questions, he replied that ordinances like this are negatively affecting how they function outside of the church walls.

Steve Langdon, Director of Human Resources at Community Action Partnership of Lancaster and Saunders Counties, came forward in support of this ordinance. In answer to Council questions, Mr. Langdon replied that portions of the LGBT population have a higher rate of poverty.

Father Christopher Kubat, Director of Catholic Social Services, came forward in opposition to this ordinance. In answer to Council questions, Fr. Kubat stated that a distinction is made between the person and the behavior; it is possible to help a person in need without condoning their behaviors. This is an issue of religious freedom. He would include a conscience clause for religious organizations and individuals.

Jennifer Wendelin, Nebraska Chapter President of the Trans Panthers Party, came forward in support of this ordinance.

Amber Parker came forward in opposition to this ordinance.

Barry Lockard came forward in opposition to this ordinance.

John F. Dittman came forward in opposition to this ordinance.

Mark Lehl came forward in opposition to this ordinance.

Steve Higgins came forward in opposition to this ordinance.

Al Riskowski, Executive Director of Nebraska Family Council, came forward in opposition to this ordinance.

Norman Dority came forward in opposition to this ordinance.

Earl Visser came forward in opposition to this ordinance.

Monte Froehlich came forward in opposition to this ordinance.

David W. Ford came forward in opposition to this ordinance.

Chester Davis, came forward in opposition to this ordinance.

Tobias Pace, came forward in support of this ordinance.

Council Chair Carroll allowed citizens to briefly stand in support of or in opposition to this ordinance to allow those who did not wish to speak the opportunity to express their opinion.

Jane Svoboda came forward in opposition to this ordinance.

Jeff Kirkpatrick, Assistant City Attorney, came forward to answer Council questions. The definitions of sexual orientation and gender identity are the same as previously adopted in Omaha in order to maintain uniformity in language between the two major municipalities. These definitions are not unique to Omaha and Lincoln and have been used by other cities. There has been little litigation involving these widely accepted definitions. When writing legislation for issues of discrimination, it is important to include the language of "perceived". In many cases of discrimination, the aggravating and motivating factor for discriminatory action taken is based on perception, rather than actuality. This ordinance would not only protect LGBT individuals, but also individuals who face discrimination based on the perception that they are LGBT.

REGULAR MEETING

May 7, 2012

Page 48

The definitions of what will qualify as a religious organization are relatively clear. Municipalities do not issue permits or licenses for religious organization because as a government body, they would be in violation of the 1st Amendment by essentially establishing a religion.

Jocelyn Golden, Assistant City Attorney, came forward to answer questions. Most groups who identify themselves as a religious organization will qualify as that. The totality of their circumstances would be considered, for example, their non-profit status or source of funding. A charitable organization that is not a religious organization, or a for-profit business would not be exempt.

Steve May came forward in opposition to this ordinance.

Tom Nebelsick came forward in opposition to this ordinance.

Suzanne Gage came forward in opposition to this ordinance.

Lisa Weeks came forward representing FreedMen Nebraska in opposition to this ordinance.

8:00 P.M. BREAK

5:10 P.M. RECONVENED

Nancy Carr came forward in opposition to this ordinance.

Jack Nebelsick came forward in opposition to this ordinance.

Roosevelt Lee came forward in opposition to this ordinance.

Dustin Rogers came forward in opposition to this ordinance.

Dave Bydalek, Executive Director of Family First, came forward in opposition to this ordinance. As a former State Assistant Attorney General, Mr. Bydalek answered questions about the opinion issued by the office of the current Attorney General.

Edward Stringham came forward in opposition to this ordinance.

Michael Evans came forward in opposition to this ordinance.

Elizabeth Straley came forward in support of this ordinance.

Brad Chapin came forward in support of this ordinance.

Jason Dunn came forward in support of this ordinance.

Peter Oquist came forward in opposition to this ordinance.

Hallie Salem came forward in support of this ordinance.

Wendy Francis came forward on behalf of the Realtors Association of Lincoln in support of this ordinance.

Schuyler Geery-Zink came forward in support of this ordinance.

Ken Watson came forward in opposition to this ordinance.

Kevin Dowd came forward in opposition to this ordinance.

Dr. Tim Fischer came forward in opposition to this ordinance.

Dr. Richard Wurtz came forward in opposition to this ordinance.

Daniel Holloran came forward in opposition to this ordinance.

Ben Eh-Ved Yahu came forward in opposition to this ordinance.

Christina St. Hilaire came forward in opposition to this ordinance.

Scott Hecht came forward in opposition to this ordinance.

Tom Dierks came forward in opposition to this ordinance.

Elizabeth Griffith came forward in opposition to this ordinance.

Jonathan Crosmer came forward in opposition to this ordinance.

Ginny Wright came forward in support of this ordinance.

Jean Eileen Durgin-Clinchard, former President of Parents, Families, & Friends of Lesbians and Gays, came forward in support of this ordinance.

Dawn Buell came forward in opposition to this ordinance.

Haley Buell came forward in opposition to this ordinance.

Ian Will came forward in support of this ordinance.

Michael Pierce came forward in opposition to this ordinance.

Brandon Weiss came forward in support of this ordinance.

Alex Forsyth came forward in support of this ordinance.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE APPOINTMENT OF MARCIA WHITE TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015- CLERK read the following resolution, introduced by Carl Eskridge;

HORNUNG Moved its adoption:

A-86802 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Marcia White to the Lincoln-Lancaster County Board of Health for a three year term expiring April 15, 2015 is hereby approved.

Introduced by Carl Eskridge

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

REAPPOINTING MIKE MCNIFF, DOUG BIGGERSTAFF, MATT MORRISSEY, MIKE BERRY, AND ROGER KREIFELS TO THE GAS PIPING EXAM BOARD FOR A TERM EXPIRING APRIL 1, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86803 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Mike McNiff, Doug Biggerstaff, Matt Morrissey, Mike Barry and Roger Kreifels to the Gas Piping Exam Board for terms expiring April 1, 2015 is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING DAN KUBR TO THE BUILDING CODE BOARD OF APPEALS FOR A TERM EXPIRING APRIL 1, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86804 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Dan Kubr to the Building Code Board of Appeals for a term expiring April 1, 2015 is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING DENNIS BIGGERSTAFF TO THE HEATING, VENTILATING, AND COOLING BOARD OF EXAMINERS FOR A TERM EXPIRING APRIL 4, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86805 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Dennis Biggerstaff to the Heating, Ventilating and Cooling Board of Examiners for a term expiring April 4, 2015 is hereby approved.

Introduced by Adam Hornung

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86806 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:
The special taxes assessed April 23, 2012, to pay the costs of the improvements in the University Place Business Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86807 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:
The special taxes assessed April 30, 2012, to pay the costs of the improvements in the North 27th Street Maintenance Business Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MARCH 31, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved for its adoption:

A-86808 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended March 31, 2012, \$172,956.37 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by DiAnna Schimek

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 23, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REGULAR MEETING

May 7, 2012

Page 50

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12008 to Change of Zone No. 11024, North Hills Planned Unit Development, approved by the Planning Director on April 24, 2012, requested by Southview, Inc., to show a specific site plan for the apartment complex, add Notes 16 and 17 to adjust the front yard setback to 20 feet, on property generally located at N. 14th St. and Fletcher Ave.

Administrative Amendment No. 12014 to Special Permit No. 1992A, Edenton Woods Community Unit Plan, approved by the Planning Director on April 30, 2012, requested by Edenton Woods, LLC., to adjust the rear setback for Lots 17-19, Block 3, to 20 feet and to show Lots 13-16, Block 3, for attached single-family dwellings, and to update the notes accordingly, on property generally located near Ashbrook Dr. and Highway 2.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

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 - CLERK read an ordinance, introduced by Carl Eskridge, 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, the second time.

PUBLIC HEARING - RESOLUTIONS - NONE

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

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

CHANGE OF ZONE 12003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT, FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY LOCATED IN THE WEST HAYMARKET GENERALLY FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET (RELATED ITEMS: 12-43, 12-44, 12R-81) Action Date: 5/21/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 12004 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING FIGURE 27.35.070(A) WITHIN SECTION 27.35.070 TO REFLECT THE REVISED HEIGHT LIMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT; ADDING A NEW SECTION NUMBERED 27.59.015 TITLED SCOPE OF REGULATIONS TO CLARIFY THAT AIRPORT ZONING REGULATIONS ARE APPLICABLE IN ALL UNDERLYING ZONING DISTRICTS AND APPLY TO BOTH PUBLIC AND PRIVATE ENTITIES; AMENDING SECTION 27.59.040 RELATING TO AIRPORT ZONING HEIGHT RESTRICTIONS TO REPLACE THE METES AND BOUNDS DESCRIPTION WITH A REFERENCE TO THE AIRPORT ZONING MAP; AMENDING SECTION 27.69.035 AND TABLE 1, OFF PREMISES SIGNS, WITHIN SECTION 27.69.040 TO PROHIBIT THE LOCATION OF OFF PREMISES SIGNS IN THE HAYMARKET AND DOWNTOWN AREAS OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT WEST OF 9TH STREET; REPEALING SECTIONS 27.35.070, 27.59.040, AND 27.69.035 AND TABLE 1 WITHIN SECTION 27.69.040 (OFF-PREMISES SIGNS) OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AMENDING THE LINCOLN AIRPORT ZONING MAP DATED FEBRUARY 25, 2002 TO BE CONSISTENT WITH FIGURE 27.35.070(A); AND AMENDING THE LINCOLN CAPITOL ENVIRONS DISTRICT HEIGHT REGULATION MAP TO REFLECT A 57-FOOT HEIGHT REQUIREMENT WEST OF THE CAPITOL (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12) - CLERK read and ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Figure 27.35.070(a) within Section 27-35-070 to reflect the revised height limits in the B-4 Lincoln Center Business District; adding a new section numbered 27.59.015 titled Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; amending Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description with a reference to the Airport Zoning Map; amending Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; repealing Sections

27.35.070, 57.59.040, and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal Code as hitherto existing; amending the Lincoln Airport Zoning Map dated February 25, 2002 to be consistent with Figure 27.35.070(a); and amending the Lincoln Capitol Environs District Height Regulation Map to reflect a 57-foot height requirement west of the Capitol, the first time.

MISC. NO. 12001 - AMENDING CHAPTER 3.76, LINCOLN DOWNTOWN DESIGN STANDARDS, OF THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 4.1, SITE DEVELOPMENT, AND SECTION 4.2, BUILDING FEATURES, TO ADDRESS EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE DOWNTOWN. (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12)

STREET NAME CHANGE 12001 - RENAMING THAT PORTION OF SOUTH 83RD STREET WHICH EXTENDS SOUTH FROM THE INTERSECTION OF SOUTH 83RD STREET AND WENDELL WAY, AS SOUTH 83RD BAY - CLERK read an ordinance, introduced by DiAnna Schimek, changing the name of that portion of South 83rd Street which extends south from the intersection of South 83rd Street and Wendell Way, to South 83rd Bay, as recommended by the Street Name Committee, the first time.

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS-GENERAL RULES AND REGULATIONS AND TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY AMENDING SECTION 12.08.010 TO REVISE THE DEFINITION OF "PARK" AND TO ADD A DEFINITION FOR "PARK FACILITY"; AMENDING SECTION 12.08.020 TO INCLUDE WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES AS ACCEPTABLE VEHICLES TO OPERATE IN AREAS OTHER THAN A ROADWAY; AMENDING SECTION 12.08.070 TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO OCCUPY OR BE PRESENT IN A PARK FACILITY DURING ANY HOURS SAID PARK FACILITY IS NOT OPEN TO THE PUBLIC AND TO PROVIDE THAT THE SIDEWALKS ON CENTENNIAL MALL SHALL BE OPEN TWENTY-FOUR HOURS A DAY; AMENDING SECTION 12.08.170 TO INCLUDE A PROHIBITION AGAINST DESTRUCTION AT PARK FACILITIES; AMENDING SECTION 14.40.050, BUILDINGS IN STREET SPACE, TO PROHIBIT THE ERECTION OF ANY TEMPORARY OR PERMANENT BUILDING OR STRUCTURE, INCLUDING TENTS, UPON ANY PUBLIC GROUND WITHOUT A PERMIT; AMENDING SECTION 14.54.010, DEFINITIONS RELATING TO OCCUPANCY ABOVE OR BELOW PUBLIC PROPERTY TO AMEND THE DEFINITION OF "STRUCTURE"; AND AMENDING SECTION 14.54.020 TO CLARIFY THAT A PERMIT IS REQUIRED WHEN ERECTING EITHER A TEMPORARY OR A PERMANENT BUILDING OR STRUCTURE UNDERNEATH, ON, OR ABOVE PUBLIC GROUND - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 12.08 of the Lincoln Municipal Code relating Parks-General Rules and Regulations and Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by amending Section 12.08.010 to revise the definition of "park" and to add a definition for "park facility"; amending Section 12.08.020 to include wheelchairs and other power-driven mobility devices as acceptable vehicles to operate in areas other than a roadway; amending Section 12.08.070 to provide that it shall be unlawful for any person to occupy or be present in a park facility during any hours said park facility is not open to the public and to provide that the sidewalks on Centennial Mall shall be open twenty-four hours a day; amending Section 12.08.070 to include a prohibition against destruction at park facilities; amending Section 14.40.050, Buildings in Street Space, to prohibit the erection of any temporary or permanent building or structure, including tents, upon any public ground without a permit; amending Section 14.54.010, definitions relating to Occupancy Above or Below Public Property to amend the definition of "structure"; amending Section 14.54.020 to clarify that a permit is required when erecting either a temporary or a permanent building or structure underneath, on, or above public ground; and repealing Sections 12.08.010, 12.08.020, 12.08.070, 12.08.170, 14.40.050, 14.54.010, and 14.54.020 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND A NEW TELEPHONE SYSTEM AND IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRED EHRlich TO PROVIDE ALFALFA BALES FOR THE CITY OF LINCOLN PARKS DEPARTMENT FOR FEED FOR THE ELK AND WHITE TAIL DEER FOR A ONE YEAR TERM WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NOVARTIS VACCINES AND DIAGNOSTICS, INC. FOR THE ACQUISITION OF VACCINES AS NEEDED FOR A TERM EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH JUNE 30, 2015.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 3M COMPANY FOR THE SUPPLY AND DELIVERY OF REFLECTIVE SHEETING FOR A TWO YEAR TERM FROM FEBRUARY 1, 2012 THROUGH JANUARY 31, 2014.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 12-006, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM.

REGULAR MEETING

May 7, 2012

Page 52

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16 - 30, 2012.

AMENDING RESOLUTION NO. A-86318 TO CHANGE THE PORTION OF THE LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES POLICY REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE MONETARY AWARD FROM A U.S. SAVING BOND TO A GIFT CERTIFICATE OF THE SAME MONETARY VALUE FOR THE INDIVIDUAL AND TEAM WINNERS OF THE MONTHLY AND ANNUAL AWARDS.

APPROVING THE DEDICATION OF CERTAIN CITY OWNED PARCELS GENERALLY IN UNION PLAZA, TRAGO PARK, GOVERNMENT SQUARE, JENSEN PARK NORTH ADDITION, AND HOLLINGSWORTH FOR PARK PURPOSES.

COMP. PLAN CONFORMANCE NO. 12003 - ADOPTING AND APPROVING THE PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN WHICH AMENDS THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TO ADD NEW AREAS, ADD NEW PROJECTS AND TO RENAME AS "ENTERTAINMENT CENTER/OLD FEDERAL BUILDING/RETAIL CORRIDOR REDEVELOPMENT PROJECT" TO INCLUDE ALL RIGHTS-OF-WAY FOR RETAIL REVITALIZATION AND STREET/STREETSCAPE IMPROVEMENTS GENERALLY LOCATED BETWEEN NORTH 7TH STREET AND NORTH 17TH STREET, FROM O TO Q STREETS.

OPEN MICROPHONE - NONE

ADJOURNMENT 10:26 P.M.

CAMP Moved to adjourn the City Council meeting of May 7, 2012.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Emery.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant