



Lexington-Fayette Urban County Government Minutes - Final - Final Urban County Council

200 E. Main St
Lexington, KY 40507

Thursday, December 1, 2011

6:00 PM

Council Chambers

I. Roll Call

Present 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

II. Invocation

III. Presentations

1. [00521-11](#) 2011 Cans for Cash Contest Awards
2. [00522-11](#) Liberty Mutual 'Pledge for Fire Safety' Award - Div. of Fire & Emergency Services

IV. Ordinances – Second Reading

1. [00405-11](#)

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 0045.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-148-2011

2. [00364-11](#)

An Ordinance closing the right-of-way located between the properties at 444 Fayette Park and 503 Willy St.; determining that all property owners abutting the portion of the walk way to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner,

subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-149-2011

3. [00320-11](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Director of Litigation, Grade 123E, and amending Section 22-5(2) of the Code of Ordinances, creating two (2) positions of Attorney, Grade 117E, from date of passage to December 31, 2015, all in the Dept. of Law.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-150-2011

4. [00458-11](#) An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Calypso Breeze Dr., Carducci St., Coroneo Ln., Falling Leaves Ln., Firethorn Place, Golden Bell Place, Greenville Terrace, Grey Lag Way, Hardwood Rd., Kiawah Dr., Magnolia Gardens Place, Polo Club Blvd., Sandhurst Cove, Seneca Park, Sir Barton Way, Sperling Dr., Sunflower St., Tea Olive Way, and Towne Square Park.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-151-2011

5. [00459-11](#) An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and

refuse collection, to include the area defined as certain properties on the following streets: Blue Bonnet Ct., Blue Bonnet Dr., Golden Trophy Trail, Waveland Museum Ln., and Winthrop Dr.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-0152-2011

6. [00460-11](#)

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as certain properties on the following streets: Albany Rd., Albemarle Rd., and Halifax Ct.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-153-2011

7. [00461-11](#)

An Ordinance amending Ordinance No. 218-2010 expanding and extending Partial Urban Services District #5 to remove certain properties on Springhill Dr. and changing the Urban Service Districts on said properties back to Urban Services District #2 and Urban Services District #4 respectively to correct a clerical error.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Ordinance be Approved. The motion Passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: O-154-2011

V. **Ordinances – First Reading**

8. [00449-11](#)

An Ordinance amending Article 8-1(d) of the Zoning Ordinance to allow an historic house museum as a conditional use in the A-R zone.

Approval of the Alternative Text 11-0 **[Div. of Planning, King]**

Received First Reading to the Urban County Council due back on 12/6/2011

9. [00448-11](#) An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone for 0.99 net (1.19 gross) acres, with dimensional variances, for property located at 154, 158-162 N. Ashland Ave., subject to certain use restrictions imposed as conditions of granting the zone change (The Lexington Hearing & Speech Center, Inc.). Conditional Approval 5-2 OBJECTORS (To Be Heard by January 25, 2012) **[Div. of Planning, King]**
- Received First Reading to the Urban County Council due back on 1/24/2012**
10. [00432-11](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the job title of one (1) position of Human Resources Manager, Grade 119E, to one (1) position of Payroll Manager, Grade 119E, in the Div. of Accounting. **[Div. of Human Resources, Jarvis]**
- Received First Reading to the Urban County Council due back on 12/6/2011**
11. [00493-11](#) An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2012. **[Council Office, Maynard]**
- Received First Reading to the Urban County Council due back on 12/6/2011**
12. [00452-11](#) An Ordinance closing a portion of Manor Dr.; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way. [Dept. of Environmental Quality and Public Works, Bush]
- A motion was made by Council Member Ellinger, seconded by Council Member Farmer, Jr., that this Ordinance be Approved. The motion Passed by the following vote:**
- Aye:** 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford
- Nay:** 0
- Enactment No: O-155-2011
13. [00457-11](#) An Ordinance amending Section 16-15(f) of the Code of Ordinances related to refuse collection to exempt peace officers performing their official duties from this Section. [Div. of Police, Bastin]

Received First Reading to the Urban County Council due back on 12/6/2011

14. [00484-11](#) An Ordinance creating Subsection 14-10(f)(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to provide for the enforcement of violations of Article 13 of the Zoning Ordinance by the Director of Historic Preservation and Historic Preservation Specialist(s); effective January 1, 2012. [Div. of Historic Preservation, Kerr]

Received First Reading to the Urban County Council due back on 12/6/2011

15. [00501-11](#) An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 46. [Div. of Budgeting, Barrow]

Received First Reading to the Urban County Council due back on 12/6/2011

16. [00520-11](#) An Ordinance approving and adopting regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Div. of Central Purchasing; effective January 1, 2012. [Council Office, Maynard]

Received First Reading to the Urban County Council due back on 12/6/2011

17. [00486-11](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician Principal, Grade 115E, abolishing two (2) positions of Engineering Technician, Grade 111N, and two positions of Laboratory Technician, Grade 109N, and creating one (1) position of Electrician, Grade 114N, one (1) position of Maintenance Mechanic, Grade 113N and two (2) positions of Laboratory Technician Sr., Grade 112N, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N, all in the Div. of Water Quality. [Div. of Human Resources, Jarvis]

Received First Reading to the Urban County Council due back on 12/6/2011

- [00473-11](#) An Ordinance accepting the bid of TP Mechanical Contractors, in the amount of \$111,129 for a water heater for the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 48. [Div. of Purchasing, Marcum]

A motion was made by Council Member Diane Lawless, seconded by Council Member K.C. Crosbie, that this Ordinance be Received First Reading. to the Urban County Council and should be returned by 12/6/2011. The motion PASSED by an unanimous vote.

VI. Resolutions – Second Reading

1. [00325-11](#) A Resolution accepting the bid of Lagco, Inc., in the amount of \$426,040, for the Black & Williams Center Energy Efficiency Improvements, for the Div. of Environmental Policy, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Lagco, Inc., related to the bid. (2 Bids, Non-Low)

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-532-2011
2. [00414-11](#) A Resolution accepting the bids of Rhythm Engineering, LLC; Iron Armour, LLC; Signal Control Products, Inc.; and Path Master, Inc., establishing price contracts for adaptive traffic signal and control equipment, for the Div. of Traffic Engineering. (4 Bids, Low)

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-533-2011
3. [00415-11](#) A Resolution accepting the bid of LexPress, establishing a price contract for Waste Management Newsletters, for the Div. of Waste Management. (8 Bids, Low)

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-534-2011
4. [00422-11](#) A Resolution ratifying the probationary civil service appointments of: Winona Embry, Payroll Manager, Grade 119E, \$2,586.96 bi-weekly, in the Div. of Accounting, effective December 7, 2011, and Karen Beatty, Administrative Specialist Sr., Grade 112N, \$22.213 hourly, in the Div. of Traffic Engineering, effective November 21, 2011; ratifying the permanent civil service appointment of: Connie Hayes, Staff Assistant Sr., in the Div. of Purchasing, effective July 17, 2011.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-535-2011
5. [00423-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Humanitarium (\$475) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-536-2011

6. [00391-11](#) A Resolution authorizing the Mayor, the Fire Chief, and the Director, Div. of Emergency Management/911, on behalf of the Urban County Government and pursuant to KRS Chapter 39F, to execute a Statement of Affiliation pertaining to the establishment and designation of the Urban County Government's Div. of Fire and Emergency Services' Special Operations Technical Rescue Team as the recognized Rescue Squad for Fayette County, at no cost to the Urban County Government.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-537-2011
7. [00389-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$60,601.05 from \$2,646,542.45 to \$2,707,143.50.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-538-2011
8. [00390-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$55,938.35 from \$2,707,143.50 to \$2,763,081.85.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-539-2011
9. [00323-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two, to the Contract with Charles Deweese Construction, for the Lexington Streetscape Phase One W. Main St. Project, decreasing the contract price by the sum of \$3,272.25 from \$1,930,561.75 to \$1,927,289.50.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-540-2011
10. [00303-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Regulator Easement and Right of Way Agreement with Columbia Gas of Ky., Inc., granting a pipeline easement.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-541-2011

11. [00316-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Paramedic Training Program Agreement, with Jessamine County Emergency Medical Service, for paramedic training, at no cost to the Urban County Government.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-542-2011
12. [00360-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ad-Success, for the Mobility Office Marketing Campaign for FY 2012, at a cost not to exceed \$44,400.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-543-2011
13. [00393-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AMEC Environment and Infrastructure, Inc. (formerly known as AMEC Earth & Environmental, Inc.), for additional Brownfield Site Assessment Services, at a cost not to exceed an additional \$246,430.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-544-2011
14. [00380-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 (Final) to the Contract with Marrillia Design & Construction, for the Maxwell St. Sidewalk and Bike Lane Project, increasing the contract price by the sum of \$52,480.53 from \$308,438.21 to \$360,918.74.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**
- Enactment No: R-545-2011
15. [00386-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$267,609 Federal funds, are for the continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the

Grant budget.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-546-2011

16. [00392-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management, Dept. of Military Affairs, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$8,000 Commonwealth of Ky. funds, and are for the purchase of equipment for the Dive/Water Rescue Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-547-2011

17. [00394-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept four (4) Grants from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$360,800 Federal funds under the 2011 State Homeland Security Grant Program, are for the purchase of Special Operations, Hazardous Materials and Technical Rescue Equipment (\$121,000); a specialized training class for HazMat units (\$23,800); the purchase of equipment for the Hazardous Devices Unit (\$161,000); and training in dynamic entry for the Ky. Explosive Incident Response Task Force (\$55,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-548-2011

18. [00379-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$11,000 Commonwealth of Ky. funds, and are for the purchase of EMS equipment, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-549-2011

19. [00365-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work and Master Services Agreement with Global Compliance Services, Inc., for installation and administration of the Fraud Tip Line, at a cost not to exceed \$5,175.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-550-2011

20. [00373-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Winburn Middle School Gymnasium, at a cost not to exceed \$285.05.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-551-2011

21. [00310-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Pilgrim Baptist Church, for parking, at a cost not to exceed \$1,000.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-552-2011

22. [00387-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a National Safety Council DDC Private Sub-Agency Training Agreement with the Tennessee Regional Safety Council, Inc., establishing the Div. of Risk Management as an authorized agent to teach training programs to employees, at an annual cost not to exceed \$55.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-553-2011

23. [00362-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Xavus Solutions, LLC, for the purchase and maintenance of a data collection program for the Senior Center, at a cost not to exceed \$7,500.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Enactment No: R-554-2011

24. [00388-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hazen & Sawyer, P.S.C., to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree Implementation, at a cost not to exceed \$287,500.
- A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:**

Enactment No: R-555-2011

Approval of the Docket Items.

A motion was made by Council Member Blues, seconded by Council Member Myers, to Approve the Docket Items. The motion passed by the following vote:

Aye: 15 - Julian Beard; Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

VII. Resolutions – First Reading

- Present** 11 - Julian Beard; Tom Blues; Bill Farmer, Jr.; Diane Lawless; Ed Lane; George Myers; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford
- Absent** 4 - K.C. Crosbie; Chuck Ellinger; Doug Martin and Jay McChord

25. [00475-11](#) A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for odor control chemicals, for the Div. of Water Quality. (2 Bids, Low) **[Martin]**

Received First Reading to the Urban County Council due back on 12/6/2011

26. [00476-11](#) A Resolution accepting the bids of Valk Manufacturing Co., in the amount of \$5,760; J. Edinger & Sons, Inc., in the amount of \$8,614.72; and Central Parts Warehouse, in the amount of \$1,990, for snow plow parts, for the Div. of Streets and Roads. (3 Bids, Low) **[Williams]**

Received First Reading to the Urban County Council due back on 12/6/2011

27. [00454-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation (\$300), Forest Ridge Maintenance Association, Inc., (\$150) and Speigle Hill Community Center (\$400), for the Office of the Urban County Council, at a cost not to exceed the sums stated. **(Council Office, Maynard)**

Received First Reading to the Urban County Council due back on 12/6/2011

28. [00488-11](#) A resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Jennifer Newton, Social Worker, Grade 113E, \$1,387.20 bi-weekly, in the Dept. of Social Services, John Day, Equipment Operator, Sr., Grade 109N, \$15.089 hourly, in the Div. of Waste Management, Robert Bailey, Equipment Operator Sr., Grade 109N, \$18.750 hourly, in the Div. of Waste Management, Donald Myers, Equipment Operator Sr., Grade 109N, \$12.097 hourly, in the Div. of Waste Management, Ricky Johnson, Equipment Operator Sr., Grade 109N, \$12.459 hourly, in the Div. of Waste Management, and Joseph Higgins, Equipment Operator Sr., Grade 109N, \$12.459 hourly in the Div. of Waste Management; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Roman Sorrell, Jeffery Brangers, Robert Sinnott, Chase Allen, Stephanie McClain, Cliff Godbold, Kenneth Brown, Jr., Ronald Mossotti, Steven Jude, Anthony Beatty, Jr., Ronald Willis, Kelly Shortridge, Anthony Sullivan, Robert Holland, Jason Mitchell, Nichole Gibson, Benjamin Riggs, Aisha Johnson, Ryan White, Alejandro Zaglul, Mary Shofner, Weslee Farley, Meredith Myers, Brian Weir, Kalan Perdue, Philip Toms, Benjamin Fielder, Sailesh Babhania, Jared Carroll, Kendall Buford, and Adam Peak, Police Officer, Grade 311N, \$17.649 hourly, in the Div. of Police; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Megan Hempfling, Staff Assistant Sr., Grade 108N, \$13.461 hourly, in the Div. of Family Services, effective upon passage of Council. [Div. of Human Resources, Jarvis]

A motion was made by Council Member Gorton, seconded by Council Member Blues, that this Resolution be Approved. The motion Passed by the following vote:

Enactment No: R-556-2011

29. [00489-11](#) A Resolution ratifying the probationary civil service appointments of: Leslie Jarvis, Director of Human Resources, Grade 123E, \$3,461.54 bi-weekly, in the Div. of Human Resources, effective December 5, 2011 and Robert Harris, Public Service Supervisor, Grade 111N, \$20.625 hourly, in the Div. of Parks and Recreation, effective November 28, 2011; ratifying the probationary sworn appointments of: Shawn Campbell, Community Corrections Captain, Grade 115E, \$2,522.40 bi-weekly, in the Div. of Community Corrections, effective November 28, 2011.

Received First Reading to the Urban County Council due back on 12/6/2011

30. [00398-11](#) A Resolution authorizing and directing the Mayor, on behalf of the

Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$40,000 Federal funds, are for the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$10,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]**

Received First Reading to the Urban County Council due back on 12/6/2011

31. [00413-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$129,533 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]**

Received First Reading to the Urban County Council due back on 12/6/2011

32. [00416-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute two Amended Memoranda of Agreement with Fayette County Public Schools, for operation of the National School Lunch Program through the end of the current school year and the Child Care Food Program through December 30, 2011, at the Family Care Center and the Day Treatment Center. **[Dept. of Social Services, Mills]**

Received First Reading to the Urban County Council due back on 12/6/2011

33. [00418-11](#)

A Resolution approving the granting of an Inducement to CMSText, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by CMSText, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement CMSText, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. **[Mayor's Office, Atkins]**

Received First Reading to the Urban County Council due back on 12/6/2011

34. [00419-11](#) A Resolution approving the granting of an Inducement to GE Lighting, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by GE Lighting, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement GE Lighting, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. **[Mayor's Office, Atkins]**

Received First Reading to the Urban County Council due back on 12/6/2011

35. [00420-11](#) A Resolution approving the granting of an Inducement to Shatterbox, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Shatterbox, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement Shatterbox, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. **[Mayor's Office, Atkins]**

Received First Reading to the Urban County Council due back on 12/6/2011

36. [00421-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement with Civil Rights Assurance, for Volunteer Tax Assistance Programs at the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government. **[Dept. of Social Services, Mills]**

Received First Reading to the Urban County Council due back on 12/6/2011

37. [00424-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the North Limestone Neighborhood Association, Inc., to develop an Environmental Improvement Plan for the Limestone/Loudon Area, at a cost not to exceed \$50,000. **[Div. of Water Quality, Martin]**

Received First Reading to the Urban County Council due back on 12/6/2011

38. [00425-11](#) A Resolution authorizing and directing the Mayor, on behalf of the

Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Spindletop Community Association Inc., to improve water quality in the subdivision pond with a bottom aerator, hold educational seminars on the Royal Springs Aquifer and topics related to what residents can do to improve water quality, stencil neighborhood storm drains, and hold a stream cleaning event, at a cost not to exceed \$2,180. **[Div. of Water Quality, Martin]**

Received First Reading to the Urban County Council due back on 12/6/2011

39. [00426-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Hazen & Sawyer, P.S.C. for the Sanitary Sewer Assessment Reports and Remedial Measures Plans, extending the current Contract through FY 2012 and increasing the contract price by the sum of \$1,500,000 from \$2,000,000 to \$3,500,000. **[Div. of Water Quality, Martin]**

Received First Reading to the Urban County Council due back on 12/6/2011

40. [00427-11](#) A Resolution authorizing the Div. of Water Quality to purchase Allen-Bradley Automation Equipment to upgrade the blower system at the Town Branch Wastewater Treatment Plant, from CED of Lexington (as distributor for Rockwell Automation), at a cost not to exceed \$42,000. **[Div. of Water Quality, Martin]**

Received First Reading to the Urban County Council due back on 12/6/2011

41. [00428-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Police Athletics Activities League, Inc., to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$15,000 Federal funds, and are for Police Activities League Mentoring Program, for the Div. of Police. **[Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]**

A motion was made by Council Member Gorton, seconded by Council Member Blues, that this Resolution be Approved. The motion Passed by the following vote:

Aye: 12 - Julian Beard; Tom Blues; Bill Farmer, Jr.; Diane Lawless; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Nay: 0

Enactment No: R-557-2011

42. [00431-11](#) A Resolution authorizing and directing the Mayor, on behalf of the

Urban County Government, to accept a Grant from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of \$1,430,000 Federal funds, are for continuation of the Housing Opportunities for Persons with AIDS Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor to execute a three (3) year agreement with AIDS Volunteers, Inc.; for continuation of the project, at a cost not to exceed \$1,391,000. **[Div. of Grants & Special Programs]**

Received First Reading to the Urban County Council due back on 12/6/2011

43. [00326-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Court Appointed Special Advocate, Inc., Fayette Family Courts, the Cabinet for Health and Family Services and the Fayette County Attorney's Office, outlining the relationship among the parties concerning the operation of the Court Appointed Special Advocates Program, at no cost to the Urban County Government. [Div. of Youth Services, Hong]

Received First Reading to the Urban County Council due back on 12/6/2011

44. [00433-11](#) A Resolution accepting Software Development, Inc., as the entity to perform billing services for Emergency Medical Services, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Software Development, Inc., for these services, at a cost not to exceed 3.5% of the receipts from the previous calendar year, which are estimated to be \$214,000.00 for Fiscal Year 2012. [Div. of Revenue, O'Mara]

Received First Reading to the Urban County Council due back on 12/6/2011

45. [00440-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Rental Agreement and Catering Contract with Lexington Convention Center and Hyatt Regency, for the Police Awards Banquet, at no cost to the Urban County Government. [Div. of Police, Bastin]

Received First Reading to the Urban County Council due back on 12/6/2011

46. [00442-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended 2010 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2010 Agreement. [Div. of Police, Bastin]

Received First Reading to the Urban County Council due back on 12/6/2011

47. [00444-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County

Government, to execute an Amended 2011 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2011 Agreement. [Div. of Police, Bastin]

..Summary

Authorization to approve the 2011 Amended Equitable Sharing Agreement and Certification with the Department of Justice and the Department of Treasury. (L444-11) (Bastin/Mason)

This is a request to approve the 2011 Amended Equitable Sharing Agreement and Certification with the Department of Justice and the Department of Treasury to make necessary changes and bring the FY2011 Equitable Sharing Agreement current.

Budgetary Implications: NO

Advance Document Review: Law/Risk Management

Fully Budgeted: N/A

Account Number: N/A

This Fiscal Year Impact: \$-0-

Annual Impact: \$-0-

Project:

Activity:

Budget Reference:

Current Balance: N/A

Received First Reading to the Urban County Council due back on 12/6/2011

48. [00445-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute lease renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the Government. [Dept. of General Services, Hamilton]

Received First Reading to the Urban County Council due back on 12/6/2011

49. [00469-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to the Bluegrass Stockyards, LLC., to design and construct four stormwater control facilities and collaborate with UK, Locust Trace Agri-Science Farm, and Fayette County Extension Office and Conservation District in allowing the site to be used by students for research and environmental learning, at a cost not to exceed \$150,000. [Div. of Water Quality, Martin]

Received First Reading to the Urban County Council due back on 12/6/2011

50. [00470-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Friends of Wolf Run,

Inc., to perform stream cleanups, removal of invasive plant species, and planting of native vegetation along Wolf Run and its tributaries at various volunteer selected stewardship sites; provide education outreach through communication with streamside property owners and installation of educational signage at stewardship sites; and purchase of a multi-parameter water quality meter, at a cost not to exceed \$11,770. [Div. of Water Quality, Martin]

Received First Reading to the Urban County Council due back on 12/6/2011

51. [00471-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Lansdowne Neighborhood Association, Inc., to develop a conceptual plan to address stormwater runoff and streambank erosion in the tributary running from Zandale Dr. to West Hickman Creek and organize educational opportunities for residents, at a cost not to exceed \$10,000. [Div. of Water Quality, Martin]

Received First Reading to the Urban County Council due back on 12/6/2011

52. [00472-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Incentive Grant to Group CJ, LLC., to collaborate with WKYT-TV and EKYT-CW, to write, produce and air approximately twenty 30-second education commercial messages for a "Doing the Green Thing" campaign, at a cost not to exceed \$34,650. [Div. of Water Quality, Martin]

Received First Reading to the Urban County Council due back on 12/6/2011

53. [00478-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Jesse Clark Middle School Gym, for the Basketball Program, at a cost not to exceed \$8,012.40. [Div. of Parks and Recreation, Hancock]

Received First Reading to the Urban County Council due back on 12/6/2011

54. [00480-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Don Jacobs Volkswagen of a 2012 Volkswagen Beetle Turbo Edition, for use at the Div. of Police, at no cost to the Urban County Government. [Div. of Police, Bastin]

Received First Reading to the Urban County Council due back on 12/6/2011

55. [00481-11](#) A Resolution accepting and approving Harris Corp. as the provider of the First Responder Radio System for the Dept. of Public Safety, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute the System Purchase Agreement,

System Maintenance Agreement, Software FX Agreement, Software License Agreement and any other necessary agreements or documents with Harris Corp. related to this project at a total project cost not to exceed \$18,148,232, subject to sufficient funding in future fiscal years, and payment in Fiscal Year 2012 not to exceed \$3,204,258. [Dept. of Public Safety, Mason]

Received First Reading to the Urban County Council due back on 12/6/2011

56. [00487-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Baby Health Services, Inc. (\$250), and R.A.R.E. Innercity Ministries, Inc. (\$250), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

Received First Reading to the Urban County Council due back on 12/6/2011

- [00518-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mtani Catering, LLC., for provision of meals under the Child Care Food Program at the Family Care Center, at a cost not to exceed \$1.20 for each lunch, \$0.90 for each breakfast, and \$0.70 for each snack. [Div. of Grants and Special Programs, Gooding]

A motion was made by Council Member Chris Ford, seconded by Council Member George Myers, that this Resolution be Received First Reading. to the Urban County Council and should be returned by 12/6/2011. The motion PASSED by an unanimous vote.

- [00499-11](#) A Resolution approving the recommendations of the Charles Young Center Task Force Report and directing that the recommendations be implemented as soon as possible.

A motion was made by Council Member Chris Ford, seconded by Council Member Peggy Henson, that this Resolution be Received First Reading. to the Urban County Council and should be returned by 12/6/2011. The motion PASSED by an unanimous vote.

- [00479-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2012 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1). [Div. of Revenue, O'Mara]

A motion was made by Council Member Julian Beard, seconded by Council Member Bill Farmer, Jr., that this Resolution be Received First Reading. to the Urban County Council and should be returned by 12/6/2011. The motion PASSED by an unanimous vote.

VIII. Communications From the Mayor (For Information Only)

[00490-11](#)

1. Resignation of Cheryl Taylor, Commissioner, Dept. of Environmental Quality and Public Works, effective November 25, 2011.
2. Resignation of Adam Tuska, Community Corrections Officer, Div. of Community Corrections, effective November 3, 2011.
3. Resignation of Sheila Hupp, Administrative Officer, Office of the Chief Administrative Officer, effective November 11, 2011.

Received and Filed

IX. Announcements

X. Public Comments

Adjournment