

# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507



## Docket

Tuesday, July 3, 2018

1:00 PM

Council Chamber

**Environmental Quality and Public Works Committee**

## Committee Agenda

**0749-18**

Approval of May 15, 2018 Committee Summary

**Attachments:** [05 15 2018 Environmental Quality Public Works Summary](#)

**0748-18**

Review of Current Tax District Change Policy

**Attachments:** [Tax Policy Update EQPW 070318 REV](#)

**0750-18**

Review of referral items in committee

**Attachments:** [EQPW itemized referrals](#)

## Adjournment



# Lexington-Fayette Urban County Government

## Master

200 E. Main St  
Lexington, KY 40507

**File Number: 0749-18**

**File ID:** 0749-18

**Type:** Committee Item

**Status:** Agenda Ready

**Version:** 1

**Contract #:**

**In Control:** Environmental  
Quality and Public  
Works Committee

**File Created:** 06/29/2018

**File Name:** Approval of May 15, 2018 Committee Summary

**Final Action:**

**Title:** Approval of May 15, 2018 Committee Summary

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** 05 15 2018 Environmental Quality Public Works  
Summary

**Enactment Number:**

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### Text of Legislative File 0749-18

Title

Approval of May 15, 2018 Committee Summary



Environmental Quality & Public Works Committee  
May 15, 2018  
Summary and Motions

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Chair Farmer called the meeting to order at 1:02 p.m. Committee Members F. Brown, Moloney, Stinnett, Gibbs, Evans, Worley, Mossotti, Bledsoe, and Plomin were present. Council Members Smith and Lamb were also in attendance as non-voting members.

I. Approval of Committee Summary – April 24, 2018

A motion was made by CM Bledsoe to approve the April 24, 2018 Environmental Quality & Public Works Committee Summary, seconded by CM Stinnett. The motion passed without dissent.

II. Pavement Plan

Dowell Hoskins-Squier, Commissioner of Environmental Quality and Public Works, presented the item. She explained the history of the current pavement management plan. She reviewed the recent budget allocations and actual funds spent and how those funds are allocated to major/minor arterials, collectors, and local roads. She highlighted remaining balances in recent fiscal years. She explained the backlog of needed paving in each road category to assess the paving needs assessment. She explained how the paving needs assessment was used to shift the approach for budget allocations for FY19, changing the percentage of funds going to each road category, as well as new categories for various types of road projects. She pointed out that she feels the paving needs assessment needs to take place again for FY20 because there are larger road projects that are on hold for the time being.

CM F. Brown commented on the FY19 proposed budget allocation. He said 65% for local streets seems high and collector streets seems low because several of our collector streets are being shortchanged because they are longer streets. He said we should probably put the collector streets at 30% and local streets at 60%. Hoskins-Squier said she does not have a problem with that.

CM Moloney asked about the pavement condition survey costing \$450,000, recalling the last time we paid for the survey. Hoskins-Squier said three years ago it was about \$396,000 which did not include a curb survey. She said the curb survey is about \$60,000 additional. CM Moloney asked about the data collected from the student interns for free in the past and how it compares to the data the condition survey we do now. Hoskins-Squier said the data collected by the students was more arbitrary and the data collected now is very objective. CM Moloney asked when Alexandria was blacktopped and how long the warranty is. Hoskins-Squier said it was done in 2016 and the warranty is good for one year. CM Moloney expressed concern that we did not use enough blacktop to carry the weight of heavy trucks coming through or we did not allow it to dry completely. William Osborne, Project Manager for Street Maintenance, said this was one of the very first roads recommended for inlet overlay. He said they have found it does not work on high volume roads. CM Moloney questioned who was responsible for the disrepair. Hoskins-Squier said the Lextran buses are tearing up the roads.

CM Bledsoe asked about the pavement condition survey and if that would be done every three years. Hoskins-Squier said that is the plan and she recommends moving forward with FY19 paving based on existing data because new data will not be available until November. She said she likes the category breakdown but she feels like every four years is too long and we should have more grace with the OCI with the rating going down slightly every year. CM Bledsoe expressed concern that the local roads are suffering and that it is hard for constituents.

CM Lamb said she appreciates the 65% and asked about a way to identify the greater underlying issues. She commented on the pavement condition survey, but she has concerns about underlying issues on recently paved roads. She said sometimes these roads are evaluated with an A+ rating which is not accurate because when these underlying issues surface, the rating would be much lower. She asked if these underlying issues can be taken into

consideration when the survey is completed so there is a more realistic outcome. She asked how they plan to handle the special projects. Hoskins-Squier said when they are identified and whether they are in a highly traveled area will determine how they are prioritized. She said there are a few that are currently being addressed. CM Lamb said she is aware of repairs that need to be made to Redding Road. Osborne said the problem with Redding Road is settlement. He said it was opened up to traffic before it should have been. CM Lamb suggested an idea about diverting traffic until the pavement repair completes more thoroughly.

CM Stinnett asked if the \$450,000 would be bid out. Hoskins-Squier said because we bought the proprietary software, we can go sole source on the pavement condition survey and we are in the process of negotiating a fee. CM Stinnett commented on the discrepancy between the company's estimated budget for paving versus the actual cost because they continue to come in under budget and their system is not working. Hoskins-Squier said we have modified variables in the software, but the number of ADA ramps is a big unknown and that is the discrepancy. She said it will never be perfect. CM Stinnett said \$450,000 is a lot to use on a third party. He asked if we could purchase our own truck and do this ourselves. Hoskins-Squier said she does not have that answer, but Transportation Cabinet has a fleet of trucks and they do pavement condition surveys across the state all year long.

CM Worley asked if the spending pattern is how they determine where the money needs to go in each council district each year. Hoskins-Squier said prior to July 1, the percentages are assigned to council districts based on land miles that are 1/6 of the OCI. CM Worley said whoever we bid this out to, we need to ask if they have the ability to provide good scientific data each year of how we can expect our roads to be. Hoskins-Squier said in order for it to be Fayette County specific, they would need historical data over a number of years to develop how pavement deteriorates over time. CM Worley asked if we have that kind of data and Hoskins-Squier said we have one data point from 2015 and we will have one from 2018. CM Worley asked for this to be looked into further stating that there has to be scientific method that can be used for accuracy.

CM Plomin asked about the remaining balances and what happens with that. Hoskins-Squier said that is the money they are using to pave currently. CM Plomin asked what the projected number will be by year-end and Hoskins-Squier said hopefully it will be zero, but there are no guarantees. CM Plomin asked about the priority on collector roads that need to be paved in District 12. Hoskins-Squier said when they prioritize collector roads, they sort from lowest OCI to highest and identify projects using the pavement condition scores and they identify projects that have the highest benefit costs.

CM Evans commented about her district receiving one of the higher allocations and she has the same problem with her constituencies' frustrations not having enough money for paving. She asked if there is a better type of asphalt we can use. Hoskins-Squier explained how they use a stronger asphalt for arterials and collectors. She said we can explore other options. CM Evans commented on the edges of roads that do not have curbs and she asked about the curb analysis and if there is a different option besides curbs. Hoskins-Squier said they can look at the particular areas of concern and try to find solutions.

CM Mossotti asked who maintains Man O' War and New Circle Road and she asked who does the paving and snow plowing. Hoskins-Squier said the city maintains Man O' War and the state maintains New Circle.

CM Farmer asked about how we can tweak the software going forward to get better information. Hoskins-Squier said we can tweak some of the variables without changing the condition scores. CM Farmer asked if the data we use is dynamically driven with input from our folks in the subsequent years after it is delivered. Hoskins-Squier said not unless we did some type of treatment on a particular segment. CM Farmer asked if we need to take action on the FY19 proposed budget allocations and Hoskins-Squier said yes. CM Farmer asked if there was other action we need to take. Hoskins-Squier said they took money off the top of the paving budget prior to allocating to the collector, arterial, and local streets so they will need action on that.

CM Bledsoe said there needs to be something between each year that accounts for horrible winters or changes in asphalt moving forward. She said she would like a report back before spending the money again on how to use that year to year. She said this will be critical for us to feel comfortable using the software moving forward.

CM F. Brown commented about Tates Creek Road that we gained from the state. He asked if this was a collector street or arterial. Hoskins-Squier said it was arterial and the cost estimate is \$330,000. He asked if this was at the top of the priority list. Hoskins-Squier said it was not surveyed until the road swap because it was a state route. CM F. Brown said with the road swap, we need to recognize this and if it is a priority, we need to take care of it as soon as school is out. Hoskins-Squier said we did not own this prior to making a list of FY18 streets.

CM Moloney asked if the road swap on Tates Creek goes all the way to New Circle Road. Hoskins-Squier said yes.

A motion was made by CM F. Brown to Accept the Pavement Management Plan and amend the resolution to include the FY 2019 budget allocation of \$12 million and percentages as they were presented, seconded by CM Evans, the motion passed without dissent.

CM Bledsoe said she is supportive of moving this forward today, but she would like to know how we are going to use the plan year to year moving forward before allocating money.

CM Moloney asked if this requires a motion because the money was provided for in the budget. Hoskins-Squier said because it was previously adopted by resolution, we have to amend the percentages based on our previous motion, not the administration's action. CM Moloney asked what percentages we are approving. CM Farmer said we are approving 65% for local, 25% for collector, and 10% for arterial. CM Moloney asked if the administration was okay with the 65% and Hoskins-Squier said yes.

A vote was taken on the motion.

### III. Household Hazardous Waste Collection

Lauren Monahan, Environmental Initiatives Specialist with Waste Management, presented the item. She started the presentation by explaining hazardous waste which is anything that unsafe to pour down sinks and storm drains or place in regular garbage bins. She highlighted their most recent event on April 21 and the grant money associated with the event which requires a 25% match. She reviewed the tonnage that has been collected since 2014 and said you can see an uptick over the years. She also pointed out their community partners and their plan for future events. She said holding a second event will be a good way to look at the numbers and see if they collect more by adding the tonnage collected at two events.

CM Farmer commented that this is different than recycling as it is way to dispose of different kinds of materials differently without receiving money back. Monahan said that is correct and we work with vendors who recycle some of these materials such as gasoline, but it is separate from recycling. CM Farmer asked about doing a second event and if we have the people and funding to do this. Monahan said we could plan this in the fall around the tire amnesty event and we would have funding to cover the disposal cost. She said we could use grant funding to cover the costs of the fall event and city funding for the spring event.

CM Moloney asked what they do with the hazardous waste and where it is taken. Monahan said it will be packaged up according to federal regulations regarding hazardous waste. CM Moloney asked if we have looked into a permanent waste station and John Howard, Deputy Director of Waste Management, said it can be done, but it is a lengthy process which requires a permit to store the material. CM Moloney said if money is the issue, these are some of things Division of Water Quality qualifies for. Commissioner O'Mara said this goes back several years and he recalls that it needed a \$1 million cost to get started. He said it is a money issue as far as long-term management of the fund balance. CM Moloney said if there is an opportunity to get grants to do this program and keep these materials from getting into the water, we should not give that up.

CM Plomin commented on the small amount in 2014 and asked how that is quantified. Monahan said the consultant they work with has 80 categories and they do a physical sort and pull random samples of landfill waste. She said she does not recall the exact percentage, but it was not very significant. CM Plomin asked if they will be doing this again soon and Monahan said yes, about every 5 years. CM Plomin asked when these materials get into the system if our process filters them out. Charlie Martin, Director of Water Quality, said it does not reliably do that and sometimes we do not even know it is there.

CM Farmer asked if any action needed to be taken on this to move forward and Monahan said no. CM Farmer asked Monahan to keep Council posted so they can send people to these events.

No further comment or action was taken on this item.

#### IV. Stormwater Priority Capital Projects List

Greg Lubeck, Stormwater Section Manager in Division of Water Quality, presented the item. He explained the history of the stormwater priority capital projects lists that was initiated in 1996, highlighting 53 completed projects out of 131 since 1996 and how the consent decree is connected to the priority project list. He pointed out that the methodology behind the list was updated in 2012, the severity scoring process, and additional factors that are considered with projects on the priority project list. Lubeck provided a list of active stormwater priority projects. (A motion was made to add an additional 5 minutes for the presentation, no one objected to the motion). Lubeck reviewed the consent decree obligation capital project list and highlighted what to expect.

CM Moloney asked if the city is due for a tax increase to keep pace and stay in compliance with the consent decree. O'Mara said for the sanitary sewer rates, they do not anticipate a rate increase this summer, but will continue to monitor and will review it at the beginning of the calendar year to see about the next rate increase. Martin said some of the projects came in lower than what they expected. CM Moloney asked where we are in conclusion of the consent decree and Martin said the deadline is December 31, 2026. CM Moloney asked if we were ahead or behind schedule and Martin said he thinks we are okay.

No further comment or action was taken on this item.

#### V. Division of Water Quality Projects

Charlie Martin reviewed the current project list for the Division of Water Quality and he pointed out several specific projects.

CM Farmer asked what would be in the tunnel and Martin said it would be the pipelines.

No further comment or action was taken on this item

#### VI. Items Referred to Committee

No further comment or action was taken on this item

A motion by CM Bledsoe to Adjourn, seconded by CM Plomin, the motion passed without dissent.

The meeting was adjourned at 2:55 p.m.

KT 5.15.18



# Lexington-Fayette Urban County Government

## Master

200 E. Main St  
Lexington, KY 40507

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Works Committee

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**File Name:** Review of Current Tax District Change Policy

**Final Action:**

**Title:** Review of Current Tax District Change Policy

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Tax Policy Update EQPW\_070318\_REV

**Enactment Number:**

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Title

Review of Current Tax District Change Policy

# URBAN SERVICE TAX POLICY & CORRECTIONS

Environmental Quality and Public Works Committee

July 3, 2018



**LEXINGTON**



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## Presentation Outline

- Urban service tax districts
- Current policy for tax district changes
- Correction of tax district assignment errors



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## Item Referred to EQPW Committee

- Request for presentation by CM Plomin
- Internal working group assembled to review current policy for tax district changes:
  - EQPW
  - Law
  - Planning
  - Finance
  - CAO Office



## Urban Service Tax Districts

*Ad Valorem tax on real property for each \$100 of assessed value.*

Tax District	Tax Rate (2017-2018)	Services Provided
1	1.2174	Full Service; refuse, street lights & street cleaning
2	1.0441	General Service; police & fire only
3	1.1867	Refuse only
4	1.0651	Street lights only
5	1.2077	Refuse & street lights
6	1.0748	Street lights & street cleaning
7	1.1964	Refuse & street cleaning



## Current Policy for Tax District Changes

Three scenarios in which tax district changes are made:

1. New Development → Charter intends for properties within the urban services area be placed in an urban services tax district.
  - a. New development along public streets are placed in Tax District 1 (Full Service)
  - b. New development along private streets are placed in Tax District 3 (Partial Service District – Refuse only)
  - c. No change recommended to existing policy as it is consistent with the intent of the Charter.
2. Petition for Service → properties in partial service districts may petition to receive added LFUCG services. No change recommended to current policy.
3. Corrections to Tax District Assignment Error → As we discover errors in tax district assignment, we correct them.



## Correction of Tax District Assignment Errors

- As a result of the tax district assignment errors in CD 12 on Real Quiet Lane, a comprehensive search of tax district assignments going back to 2007 was completed.
- 200+ parcels were discovered to be within the urban service boundary, developed and remain in Tax District 2 (General Service).
- Recommend correcting these errors and placing these parcels in full or partial urban service tax districts.
- Request EQPW Committee approval to correct errors dating back to 2007 as part of this year's urban service tax district changes.
  - Notice will be sent to affected property owners before any changes are made.

# Questions?





# Lexington-Fayette Urban County Government

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Review of referral items in committee

# Environmental Quality & Public Works Committee

## Committee Referrals

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### Maintenance of streets in transition from development to completion

- Referred by CM Scutchfield in 2016 and CM Worley took it over
- Last heard: February 21, 2017
- Item details: This item pertains to the maintenance of streets which will ultimately be turned over to LFUCG. The presentation stated that this is the responsibility of the property owner according to the Land Subdivision Regulations. The enforcement process of public and private infrastructure was also discussed as well as the process for correcting problems as they arise. CM Worley is currently looking into regulations and will determine whether this should stay in committee or be removed.

### Solid Waste - Trash Compactors

- Referred by: CM Moloney on August 22, 2017
- Last heard: Not yet presented
- Item details: This item was placed in committee after The Solid Waste 5-Year Plan presentation when the subject of recycling was discussed. CM Moloney had asked about plans to expand the urban service area. He said we need to be proactive to keep up with times. He asked if we are going to start using compactors for developers. And asked for this to be a separate committee item for discussion.

### Curbs

- Referred by: CM Gibbs on July 7, 2015
- Last Heard: October 24, 2017
- Item Details: The discussion centered around ordinance versus policy on curb responsibility. It was stated that curb evaluation can be a part of the pavement condition assessment, which will take place in fiscal year 2019 and cost estimates can be generated from that.

### Kentucky Utilities/LED Collaborative

- Referred by: CM Farmer on May 1, 2016
- Last Heard: October 24, 2017
- Item Details: LFUCG pays KU to provide street lighting; KU street light options are under tariff and subject to approval by the Public Service Commission and KU did not offer LED street lights until July 1 2017. The benefits of LED lights include maintenance savings, lower emissions and energy savings. The presentation provided an LED cost comparative and said that the LED lighting collaborative could start here as early as November 2017. The latest update is that there have been 3 meetings since November 2017 and traffic engineering has a call into the KU representative.

#### Man O' War Small Area Plan Study

- Referred by: CM Stinnett in 2017
- Last Heard: September 19, 2017
- Item Details: The Man O' War study done in 2007 showed Alumni Drive to the interstate and between Tates Creek and Nicholasville Road to have the most congestion on Man O' War. The goals of the study were to reduce congestion, improve safety and mobility for all travel modes, improve route reliability, reduce demand at some intersections and increase supply at other intersections. The recommendation was to have an I-75 Southbound auxiliary lane from US-60 to Man O' War and a third lane for Eastbound US-60.

#### Fiber Optic Technology

- Referred by: CM Farmer on May 6, 2014
- Last Heard: September 19, 2017
- Item Details: The presentation discussed how businesses outside the urban services boundary (USB) have limited connectivity options and that Windstream and Spectrum have limited plans for expanding to rural parts as well. The economics of building broadband in rural areas is difficult, but it is something we want to explore and there may be some opportunities.

#### Review of Salt Equipment

- Referred by: CM Moloney on January 30, 2018.
- Last Heard: Not yet presented
- Item Details: CM Moloney said there were a couple of times when we had snow that required salt trucks to come out and there was salt left behind on the ground. He would like to have a review of the salt equipment and how it is being used.

#### Explore Lexington's Sustainability options

- Referred by: CM Mossotti on February 20, 2018
- Last Heard: Not yet presented
- Item Details: CM Mossotti is very interested in making Lexington more sustainable and after reading about the steps Louisville is taking to be more sustainable, she placed this item in committee. Currently, there is a question by Division of Environmental Quality & Public Works as to whether this belongs in this committee or moved to the Planning and Public Safety committee. Perhaps we could have staff from EQPW speak to why it should not be in this committee.

#### Glass Recycling

- Referred by: CM Henson on January 23, 2018.
- Last Heard: April 24, 2018
- Item Details: There was some discussion on the benefits to glass recycling. There were several questions raised about various scenarios that were presented and pros and cons to those. In the end, it was requested to leave the item in committee and have Law Department and Commissioner Hoskins-Squier return to the committee to provide answers.

#### Private Waste Collection Enforcement Options

- Referred by: CM Lamb on May 15, 2018
- Last Heard: Not yet presented
- Item Details: CM Lamb said there are some districts have both private waste collection and city waste collection. She said she has had several constituents state that when there is private waste collection; we do not have enforcement capabilities that we do with city waste collection. She placed this into committee to further discuss this.

#### Consideration of a lower speed-limit on recently swapped roads

- Referred by: CM Gibbs on March 13, 2018
- Last Heard: not yet been presented
- Item Details: Traffic Engineering is currently collecting data and will need time to analyze that data before it can be presented.

#### Waste Management Fines

- Referred by: CM Gibbs on April 17, 2018
- Last Heard: not yet presented
- Item Details: Waste Management is working out the final details and we are looking at possibly September to have a presentation.

## Annual/Periodic Updates:

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#### Review & Update Snow & Ice Control Plan

- Referred by: CM Stinnett and CM F. Brown on February 15, 2014
- Last Heard: September 19, 2017
- Item Details: Annual update on the Snow/Ice removal plan

#### Leaf Collection Plan

- Referred by: CM Farmer
- Last Heard: October 24, 2017
- Item Details: Annual Update on the Leaf Collection Plan

#### Beaumont Traffic Study

- Referred by: CM Bledsoe on May 16, 2017
- Last Heard: November 14, 2017
- Item Details: This item was referred after some concerns were raised about the flow of traffic in and out of the Beaumont Center. The study used a comprehensive approach which reviewed the intensity of development in the area; lack of access points; heavy traffic on Harrodsburg Road, and the growing population in Jessamine County. CM Bledsoe requested to leave this in committee to have periodic updates on the study.

#### Bicycle Lanes - Location and Timing

- Referred by: CM Stinnett on November 1, 2016
- Last Heard: November 14, 2017
- Item Details: Annual Update on plans for Bicycle Lanes in the Lexington area

#### Annual status update on the Energy Improvement Fund

- Referred by: CM Farmer on January 1, 2017
- Last Heard: January 23, 2018
- Item Details: Annual Update on the Energy Improvement Plan

#### Keep Lexington Beautiful Annual Report

- Referred by: CM Henson on March 10, 2015
- Last Heard: February 20, 2018
- Item Details: Annual Update on Keep Lexington Beautiful initiatives

#### Artwork on Utility Boxes (policy / framework)

- Referred by: CM Bledsoe on January 16, 2018
- Last Heard: February 20, 2018
- Item Details: The process for this was approved by committee and it was decided to remain in committee for periodic updates as work will continue.

#### Additional Household Hazardous Waste Collection Day

- Referred by: CM Farmer on March 13, 2018
- Last Heard: May 15, 2018
- Item Details: Annual Update on adding an additional day for household hazardous waste collection

#### Storm-Water Priority List

- Referred by: CM Farmer on February 20, 2018
- Last Heard: May 15, 2018
- Item Details: Annual Update on Storm-Water Quality Projects in Fayette County

#### Division of Water Quality Projects

- Referred by: CM Farmer
- Last Heard: May 15, 2018
- Item Details: Annual update on Division of Water Quality Projects and the consent decree.

## Presentation and Follow-up Items:

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#### Review of current Tax District Change Policy

- Referred by: CM Plomin on March 13, 2018
- Last Heard: July 3, 2018
- Item Details: Review of Current Tax District Change Policy

# Items for Removal

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## MS4 Program Update Pursuing Illicit Discharges to Resolve an Enforcement Action

- Referred by: CM Farmer on February 20, 2018
- Last Heard: May 15, 2018
- Item Details: **We need a motion to remove this from committee**

## Electronic Billboards

- Referred by: CM Stinnett on February 28, 2017
- Last Heard: April 24, 2018
- Item Details: **This item was moved to Planning and Public Safety and we need a motion to remove this from committee**

## Proposed Public Works Skills Academy

- Referred by: CM Farmer on March 6, 2018
- Last Heard: April 24, 2018
- Item Details: **This item was approved by committee and we need a motion to remove this from committee**

## Pavement Plan

- Referred by: CM F. Brown on January 16, 2018
- Last Heard: May 15, 2018
- Item Details: **This item was approved; however we need a motion to remove this from committee or it could remain in committee as an annual update**

## Update by the Administration and Lex-Tran re: CNG conversion and use

- Referred by: CM Farmer on October 25, 2016
- Last Heard: January 24, 2017
- Item Details: Last update was that we have a CMAQ grant for the CNG Station to purchase the existing station and do an upgrade. We have completed the purchase of the existing station in October 2017. Completion of the expansion should be done as well. **We can look at possibly removing? Next steps?**