

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky February 28, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 28, 2013 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, and Ford.

The reading of the Minutes of the previous meetings was waived.

Resolutions No. 33-2013 thru 58-2013, and Ordinances No. 11-2013 thru 13-2013, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Pastor Matthew Cole, Calvary Church of the Nazarene.

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Upon motion of Ms. Gorton, seconded by Ms. Scutchfield, the Council Meeting Work Copy Docket presented at Work Session on February 26, 2013, was approved by a majority vote of 14-0 (Ms. Lawless was absent when the vote was taken.)

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The Mayor spoke about the Ky. American Water Company Science Fair held on February 9, 2013, and introduced representatives from Ky. American Water Co.: Ms. Cheryl Norton, President, Ms. Susan Lancho, External Affairs Manager, and Ms. Ellen Williams, Administrative Assistant. He also introduced representatives from the Fayette County Public Schools: Mr. David Helm and Ms. Lori Bowen, School Science Specialists.

The Mayor recognized and congratulated elementary school groups from Ashland, Athens-Chilesburg, Breckinridge, Cassidy, Christ the King, Dixie, Glendover, Home Schools, Lexington Christian, Lexington Universal, Liberty, Maxwell, Meadowthorpe, Rosa Parks, Sandersville, Sayre, SCAPA, Elizabeth Ann Seton, Tates Creek and Yates; middle school groups from Beaumont, Bryan Station, Carter J. Woodson Academy, Christ the King, Edith J. Hayes, Home Schools, Lexington Christian, Lexington Universal, Lexington Traditional Magnet, Morton, Sts. Peter and Paul, Sayre, SCAPA, Elizabeth Ann Seton, Southern, Tates Creek, Trinity Christian, and Winburn; and high school groups from Home Schools and Paul Laurence Dunbar.

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The following ordinances were given second reading. Upon motion of Mr. Lane, and seconded by Mr. Stinnett, the ordinances were approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the position title of Social Worker Sr., Grade 113E, to Life Skills Program Specialist, Grade 113E, in the Div. of Family Services, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Deputy Chief Administrative Officer, Grade 122E, in the Office of the Chief Administrative Officer, appropriating funds pursuant to Schedule No. 37, effective upon passage of Council.

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. 36.

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An Ordinance creating Sections 15-11.1 through 15-11.4 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to the regulation of mobile food unit vendors and providing for a definition; application of laws and regulations and itinerant merchants requirements with exceptions; a \$50.00 fee for each additional unit; a general zoning compliance permit; indemnification; park property restrictions; and other regulations was given first reading.

Upon motion of Ms. Akers, seconded by Mr. Farmer, the rules were suspended by unanimous vote.

The ordinance was given second reading. Upon motion of Ms. Gorton, and seconded by Mr. Ellinger, the ordinance was approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

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The following ordinances were given first reading and ordered placed on file one week for public inspection.

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone (with a dimensional variance) for 0.144 net and 0.173 gross acres, for property located at 1577 Martha Ct. (a portion of) (Givens Investments, Ltd.-Council District 6).

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.057 net (0.130 gross) acres, for property located at 430 West Maxwell St. (Julie and Anthony Childress; Council District 3).

An Ordinance amending Articles 1, 8, and 12 of the Zoning Ordinance to make various modifications to the B-1 zone, including the addition of several new definitions. (Urban County Planning Commission).

An Ordinance amending Articles 1, 4 and 16 of the Zoning Ordinance to modify the definition of "driveway for single-family and two family dwellings;" to create new definitions for "paved area" and "private walkway;" and to limit the size, material, and configuration of private walkways and driveways, in the front yard of single-family and two family dwellings. (Urban County Planning Commission).

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of CSEPP Manager P/T, Grade 115N, in the Div. of Emergency Management/911, effective upon passage of Council.

An Ordinance amending Chapter 16A of the Code of Ordinances of the Lexington-Fayette Urban County Government, pertaining to hazardous materials, as follows: Section 16A-1 of the Code of Ordinances is amended to include definitions for clean up contractor, hazardous materials commander, and hazardous materials platoon leader, and to delete the Technical Advisory Commission; Section 16A-4 of the Code of Ordinances is amended to remove portions of the discharge reporting requirements; Section 16A-5 of the Code of Ordinances is amended to define the response options of the Div. of Fire and Emergency Services following a hazardous materials spill; Section 16A-6 of the Code of Ordinances is amended to refine notice of closure requirements for facilities handling hazardous materials; Section 16A-7 of the Code of Ordinances is amended to refine inventory reporting requirements for facilities handling hazardous materials; Section 16A-8 of the Code of Ordinances regarding implementation requirements is deleted in its entirety; Section 16A-9 of the Code of Ordinances regarding registration requirements is deleted in its entirety; Section 16A-10 of the Code of Ordinances regarding exceptions to registration requirements is deleted in its entirety; Section 16A-11 of the Code of Ordinances is amended to refine the requirements for a

spill prevention plan; Section 16A-12 of the Code of Ordinances is amended to redefine the duties of a hazardous materials coordinator; Section 16A-13 of the Code of Ordinances regarding the membership requirements of the hazardous materials team is deleted in its entirety; Section 16A-14 of the Code of Ordinances is amended to redefine the duties of the hazardous materials team; Sections 16A-15, 16A-16, and 16A-17 of the Code of Ordinances regarding the Technical Advisory Commission are deleted in their entireties; Section 16A-19 of the Code of Ordinances is amended to refine standards for hazardous materials spill response and coordination with other authorities; Section 16A-20 of the Code of Ordinances regarding voluntary registration is deleted in its entirety; Section 16A-21 of the Code of Ordinances regarding preparation of compliance guidelines is deleted in its entirety; Section 16A-24 of the Code of Ordinances is amended to define parties responsible for enforcement of the Chapter; Section 16A-25 of the Code of Ordinances is amended to provide for criminal penalties for violations of the Chapter, to define violations of inventory reporting requirements, restoration following hazardous material discharge, closure of facilities handling hazardous materials, and maintaining spill prevention plans as criminal violations with a fine not to exceed two hundred and fifty dollars (\$250) for individuals and five hundred dollars (\$500) for corporations, and to define violations of the Chapter related to hazardous materials discharge as a misdemeanor with penalties of up to twelve months imprisonment and fines not to exceed five hundred dollars (\$500) for individuals and ten thousand dollars (\$10,000) for corporations; Section 16A-26 of the Code of Ordinances regarding the Civil Penalty Appeals Board is deleted in its entirety; and renumbering the affected sections to reflect these changes; all effective on April 1, 2013.

An Ordinance amending Section 12-60 of the Code of Ordinances of the Lexington Fayette Urban County Government related to public nuisances to amend the definition to include assault, sexual offenses and weapons or any other felony and to provide an exception when the owner or occupant is the victim of the crime and had no control over the criminal act; amending Section 12-61 of the Code of Ordinances relating to public nuisances to delete the word residential; amending Section 12-63 of the Code of Ordinances relating to public nuisances to delete the word residential.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Human Resources Manager Sr., Grade 121E, and one (1) position of Health Services Advisor, Grade 114E; and creating one (1) position of Human Resources Manager, Grade 119E, and one (1) position of Human Resources Analyst, Grade 115E, in the Div. of Human Resources; appropriating funds pursuant to Schedule No. 39, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Child Care Program Aide P/T, Grade 107N, and one (1) position of Custodial Worker P/T Grade 102N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 40.

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. 38.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013B, in one or more subseries, in an aggregate principal amount not to exceed \$10,000,000, for the purpose of advance refunding (i) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds (Day Treatment Center, Multi-Use Facility and Expansion Area Boulevard Projects), Series 2004C, the proceeds of which were used to finance the (a) acquisition, construction and equipping of a day treatment facility, (b) acquisition, renovation and equipping of a multi-use facility and (c) acquisition of rights of way and construction of road improvements; (ii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2005C, the proceeds of which were used to finance (a) a portion of the costs of providing funding for the purchase of a Development Rights Program or a program to purchase conservation easements and (b) the renovation and upgrade of space in government office buildings and repairs to parking garages; and (iii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2006B, the proceeds of which were used to finance (a) the acquisition and construction of stormwater improvements, (b)

neighborhood redevelopment projects, and (c) purchasing police cars; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013B Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013A in the aggregate principal amount not to exceed \$14,000,000 for the purpose of financing various street and highway improvements including the rehabilitation and paving of existing roads and streets in Lexington, Fayette County, Ky.; approving the form of the Series 2013A Bonds; authorizing designated officers to execute and deliver the Series 2013A Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013A Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013A Bonds; and repealing inconsistent ordinances.

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The following resolutions were given second reading. Upon motion of Ms. Henson, and seconded by Mr. Beard, the resolutions were approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
 Mossotti, Myers, Scutchfield, Stinnett, Akers,
 Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

A Resolution accepting the bid of E.C. Matthews, in the amount of \$126,060, for the Lexington Downtown Streetscape Phase One, Site Amenities Package - Main St. and Cheapside, for the Dept. of Environmental Quality and Public Works, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with E.C. Matthews, related to the bid.

A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of \$31,630, for Fire Suppression System Repair for Kentucky Theatre, for the Dept. of General Services.

A Resolution accepting the bid of Martin's Sanitation Service, Inc., establishing a price contract for portable restrooms, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Churchill McGee, LLC, in the amount of \$1,094,520, for the Carver Community Center Renovation for the Dept. of General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Churchill McGee, LLC, related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. (6) Final to the Contract with Woodall Construction Co., for the Clays Mill Rd. Improvements Project, increasing the contract price by the sum of \$183,901.23 from \$3,750,690.60 to \$3,934,591.83.

A Resolution amending Section 2 of Resolution No. 633-2012, relating to the bid acceptance of Smith Contractors, Inc. for the West Hickman Waste Water Treatment Plant Odor Control Improvements to change the accounting line from 4003-303403-92711 to 4003-303401-92711.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky. Transportation Cabinet, for reimbursement for sanitary sewer improvements on Fourth Street at a cost not to exceed \$793,064.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a temporary construction easement on property located at 233 Ruccio Way.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing two (2) temporary construction easements and a temporary access easement on property located at 225 Ruccio Way.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Consultant Services Agreement with RCC Consultants, Inc., for technical services related to the Public Safety Radio System

Project, increasing the contract price by the sum of \$19,406.97 from \$35,820.00 to \$55,226.97.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PFM Asset Management, LLC to provide various services for the Dept. of Finance, at a cost not to exceed \$12,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute necessary documents and accept a Deed conveying a permanent easement across the property located at 2000 St. Christopher Dr., for the Idle Hour North Stormwater Improvements Project, at a cost not to exceed \$1,400, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with March Madness Marching Band (\$625), and Lexington Women's Club (\$650), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution accepting multiple responses to RFP No. 24-2012 - Comprehensive Commercial Banking Services, for the Dept. of Finance, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Agreements and any other necessary documents related to the RFP with J.P. Morgan Chase Bank, N.A.; U.S. Bank National Association; Elavon, Inc., and any related affiliates, at a total estimated cost not to exceed \$110,000 for FY2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Omnisource Integrated Supply, LLC, for the WebEOC Coordinator Services, using funds awarded under the Chemical Stockpile Emergency Preparedness Program, at a cost not to exceed \$53,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Benefits Insurance Marketing to provide a review of voluntary insurance for a one year term beginning February 1, 2013, for the Urban County Government.

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The following resolutions were given first reading. Mr. David Barberie, Dept. of Law, requested that the rules be suspended in order to give second reading to the resolutions.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolutions were given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolutions were approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Tiffany Ooten, Family Services Center Manager, Grade 116E, \$1,659.12 bi-weekly, in the Div. of Family Services, effective upon passage of Council, Ashley Adams, Telecommunicator Sr., Grade 113N, \$16.438 hourly, in the Div. of Emergency Management/911, effective upon passage of Council, Darrell Watkins, Public Service Worker Sr., Grade 107N, \$11.613 hourly, in the Div. of Streets and Roads, effective upon passage of Council, Eric Scruggs, Public Service Worker Sr., Grade 107N, \$12.438 hourly, in the Div. of Streets and Roads, effective upon passage of Council, William Sinclair, Trades Supervisor, Grade 113N, \$18.436 hourly, in the Div. of Facilities and Fleet Management, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Elizabeth Overman, Senior Administrative Aide to Mayor, Grade 120E, \$2,307.70 bi-weekly, in the Office of the Mayor, effective February 25, 2013.

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its (I) Various Purpose General Obligation Bonds, Series 2013A in an amount not exceed \$14,000,000; and (II) Various Purpose General Obligation Refunding Bonds, Series 2013B in a principal amount not to exceed \$10,000,000.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Mortgage, releasing a mortgage on property located at 183 Walton Ave was given first reading.

Upon motion of Mr. Stinnett, seconded by Mr. Beard, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lyric Theater and Cultural Arts Center Corp. (\$625), Lexington Women's Recognition Garden (\$900), and Bryan Station High School Alumni Association (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Ms. Akers made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to amend the resolution to remove the Lyric Theater and Cultural Arts Center Corp. and replace it with the Blue Grass Community Foundation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Blue Grass Community Foundation (\$625), Lexington Women's Recognition Garden (\$900), and Bryan Station High School Alumni Association (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

Upon motion of Ms. Gorton, seconded by Ms. Lawless, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

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The following resolutions were given first reading. Upon motion of Ms. Gorton, seconded by Ms. Lawless, the rules were suspended by unanimous vote.

The resolutions were given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolutions were approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

A Resolution accepting the response of Dr. Ryan Stanton to RFP No. 1-2013 Medical Director Services, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Dr. Ryan Stanton, related to the RFP bid, at a cost not to exceed \$50,000.00 plus insurance for the initial twelve month period.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Winburn Neighborhood Association, Inc. (\$250), and LexArts (\$3,350) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with LexisNexis for a research database to be used by the Council Office, at a cost not to exceed \$900 for FY 2013 was given first reading.

Upon motion of Ms. Mossotti, seconded by Mr. Myers, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

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A Resolution expressing support for and requesting that the Ky. General Assembly place before the voters of the Commonwealth an Amendment to Section 145 of the Ky. Constitution to grant automatic restoration of voting rights to persons convicted of a felony, other than treason, intentional killing, a sex crime or bribery, after expiration of probation, final discharge from parole or maximum expiration of sentence;

and hereby notifying Governor Steve Beshear, Senate President Robert Stivers, House Speaker Greg Stumbo, and Fayette County's Legislators of this Resolution was given first reading.

The Mayor recognized Mr. Anthony Everett, Golden Oak Drive, Human Rights Commissioner, who spoke in favor of the resolution.

Upon motion of Mr. Ford, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger, Farmer, Ford-----15

Nay: -----0

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The following resolutions were given first reading and ordered placed on file one week for public inspection.

A Resolution accepting the bid of Bulk Plants, Inc., establishing a price contract for Bulk Fuel, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Hurst Office Suppliers, establishing a price contract for copier paper, for the Div. of Central Purchasing.

A Resolution ratifying the probationary civil service appointments of: John Walker, Public Service Supervisor, Grade 111N, \$15.494 hourly, in the Div. of Parks and Recreation, effective February 25, 2013; Candace Wafford, Information Systems Business Analyst, Grade 120E, \$2,570.56 bi-weekly, in the Div. of Enterprise Solutions, effective March 11, 2013; ratifying the permanent civil service appointments of: Timothy Lee, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective January 16, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement with New World Systems Corp., for support services, upgrades and revisions to the software application package, at a cost not to exceed \$497,430 through June 30, 2015 subject to appropriations by Council, of which \$152,500 is for FY 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Adopt-a-Spot Program Agreement with First United Methodist Church BSA 1789 for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed \$772.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Renewal Agreement with OmniSource Integrated Supply, LLC, for temporary employees for the Div. of Emergency Management/911, at a cost not to exceed \$15,000 for FY 2012 under the Metropolitan Medical Response System Grant and \$15,000 from the Emergency Management Assistance Grant for FY 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Equipment Donation Agreement with Beaumont Centre Family YMCA, for donation of two pieces of exercise equipment.

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase a Ques brand sanitary sewer video camera from Eye-Tronics, a sole source provider, at a cost not to exceed \$27,363.26.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., to permit REACH to transfer responsibility and HOME funds for development of the property at 442 Georgetown St. to Fayette County Local Development Corp., and to provide an additional \$12,789 in HOME funds to REACH for completion of the project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a price contract to amend Resolution No. 692-2012 with Meridian Management Corp., for Facility Management Services for Fayette County Courthouses, at a cost not to exceed \$412,213 for FY 2013.

A Resolution authorizing the Div. of Police, on behalf of the Urban County Government, to purchase Netmotion Wireless Mobility XE Software Client License from AT&T Advanced Enterprise Mobility Solutions, a sole source provider, at a cost not to exceed \$66,799.25.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engagement Letter with Vertical Consultants, LLC, for services to review telecommunication leases, at a cost not to exceed \$20,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two (2) Grant Applications to the Ky. Commercial Mobile Radio Service Emergency Communications Board and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of \$4,250,000 Commonwealth of Ky. funds, and are for expansion of Smart911 (\$3,500,000) and expansion of the KY911 Network (\$750,000).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with four (4) prequalified engineering firms: Palmer Engineering Company, HDR Engineering, Inc., Strand Associates, Inc., and GRW Engineers, Inc., to provide engineering services for conventional large pump station designs (Category #6 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with nine (9) prequalified engineering firms: HMB Professional Engineers, Inc., EA Partners, PLC, Palmer Engineering Company, Howard K. Bell Consulting Engineers, Inc., Kenvirons, Inc., Strand Associates, Inc., CDP Engineers, Inc., GRW Engineers, Inc., and Tetra Tech, Inc., to provide engineering services for conventional small pump station designs (Category #5 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Neighborhood) Incentive Grant for stormwater quality projects to Lansdowne Neighborhood Association, Inc. (\$47,714), at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Incentive Grant to the Living Arts and Science Center, Inc., at a cost not to exceed \$29,213.

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 Friends of Wolf Run, Inc. (\$53,340), at a cost not to exceed the sums stated.

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Upon motion of Mr. Stinnett, seconded by Mr. Farmer, and passed by unanimous vote, the following Communications from the Mayor were approved and are as follows:

(1) Recommending the appointment of Councilmember Chris Ford, as ex-officio member, to the Board of Health; (2) Recommending the appointment of Ms. Tiffany J. Webb and the reappointment of Ms. Andrea Strassburg, as Specific Disability representatives, to the Commission for Citizens with Disabilities, with terms to expire 1-1-2017. Ms. Marybeth Vallance is no longer serving; and (3) Recommending the appointment of Councilmember Harry Clarke to the Tree Board, with a term to expire 12-31-2014.

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The following Communications from the Mayor were received for information only: (1) Approving the voluntary demotion of Beverly Johnson from Telecommunicator Sr., Grade 113N, to Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective February 4, 2013; and (2) Transfer of Jeanne Humston, Staff Assistant Sr., Grade 108N, from the Dept. of Law to the Div. of Building Inspection, effective February 18, 2013.

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Ms. Gorton made a motion, seconded by Mr. Lane, and approved by unanimous vote, to cancel the Special Council Meeting scheduled on March 11, 2013 for a police disciplinary hearing.

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Commander Shawn Coleman, Div. of Police, stated that Officer Steve R. Roberts II had committed the offense of Treatment of Persons in Custody in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.22, in that on the 8th day of October, 2012, he mistreated arrestee Rhonda Thurman at approximately 0202 hours while in the vestibule at the Detention Center. Officer Roberts reacted in an angry and violent manner after being spit upon by Mrs. Thurman, thereby pinning her forcefully in the seating area and also causing her head to strike the Detention Center wall. Mrs. Thurman remained handcuffed during the entire incident. In response to this incident, Officer Roberts prepared a memorandum describing the incident and, in such, he corroborates that he 'reacted out of anger' and had 'pinned her', 'causing her head to contact the wall.' Officer Steve Roberts did not treat Mrs. Rhonda Thurman in accordance with established Division procedures, and that the appropriate punishment for this offense is Ten (10) Hours Suspension Without Pay.

Mr. Farmer and Ms. Gorton asked questions of Commander Coleman about the report.

Upon motion of Mr. Farmer, seconded by Mr. Lane, the disciplinary action was approved by unanimous vote.

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Mr. Farmer announced that Mission Lexington had invited the Council and the Public to the official dedication of their new dental and medical facilities on Sunday, March 3, 2013, at 2:00 p.m., at 230 S. Martin Luther King Drive.

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Ms. Lawless announced that there would be a meeting regarding downtown parking meeting on March 3, 2013, at 7:30 p.m.

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Mr. Bernard McCarthy, Harry Street, spoke against removing viaducts from downtown and other issues.

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Mr. Sean Tibbetts, Hillside Drive, representing the Bluegrass Food Truck Association, thanked the Council for their work on the new ordinance regarding mobile food vendors.

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Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:18 p.m.

Clerk of the Urban County Council