



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

200 E. Main St
Lexington, KY 40507

Tuesday, November 15, 2011

3:00 PM

Council Chamber

I. Public Comment - Issues on Agenda

Present 14 - Bill Farmer Jr., Chris Ford, Chuck Ellinger, Diane Lawless, Doug Martin, Ed Lane, George Myers, Jay McChord, Julian Beard, K.C. Crosbie, Kevin Stinnett, Council Member Linda Gorton, Steve Kay, and Tom Blues

Absent 1 - Peggy Henson

II. Requested Rezonings/ Docket Approval - Yes

III. Approval of Summary - No

IV. Budget Amendments - Yes

IV.-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 Linda Gorton, seconded by Council Member Chuck Ellinger, that this Ordinance be Approved.. The motion **PASSED** by an unanimous vote.

V. New Business

V.-1 [00320-11](#)

Amends Section 21-5 of the Code of Ordinances abolishing one (1) position of Director of Litigation (Grade 123E); this action also amends Section 22-5 of the Code of Ordinances creating two (2) positions of Attorney (Grade 117E) all in the Department of Law, upon passage by Council.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion **PASSED** by an unanimous vote.

V.-2 [00389-11](#)

Request Council Authorization to Execute Change Order No.2 to Contract 086-2010 with Woodall Construction in the Amount of \$60,601.05 for the Lexington Streetscape Phase One Improvement, East Main Street Streetscape Project

A motion was made by Council Member Julian Beard, seconded by Council

Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-3 [00390-11](#) Request Council authorization to execute Change Order No. 3 to Contract 086-2010 with Woodall Construction in the amount of \$55,938.35 for the Lexington Streetscape Phase One Improvements, East Main Street Streetscape Project.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-4 [00323-11](#) Request Council Authorization to Execute Change Order No. 2 Final with Charles DeWeese Construction for (\$3,272.25) For the Lexington Streetscape Phase One West Main Street Project.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-5 [00381-11](#) Request Council authorization to execute Change Order No. 2 to Contract with Woodall Construction Company for the Clays Mill Road Improvements Project. On January 13, 2011 (Resolution No. 10-2011), Council approved award of Bid #179-2010 to Woodall Construction Company, Inc., in the amount of \$3,569,321.10 for construction of Clays Mill Road Improvement Project Section 2A. On July 12, 2011 (Resolution No. 309-2011), Council approved Change Order #1 in the amount of \$41,964.42 for a new total of \$3,611,285.52. Division of Engineering has negotiated Change Order No. 2 in the amount of \$23,405.43 for decreases and increase in materials and related costs. New total is \$3,634,690.95. Construction of this project is fully funded with SLX (Surface Transportation Lexington) federal dollars. Match for this project is provided by Kentucky Transportation Cabinet toll credits. Council authorization to execute Change Order No. 2 with Woodall Construction Company, Inc., is hereby requested.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-6 [00380-11](#) Request Council authorization to execute Change Order No. 2 (Final) to Contract with Marrillia Design and Construction for the Maxwell Street Sidewalk and Bike Lane Project. On July 1, 2010 (Resolution No. 384-2010), Council authorized acceptance of bid from Marrillia Design and Construction in the amount of \$299,968.51 for the Maxwell Street Sidewalk & Bike Lane Project. On April 14, 2011, Council approved Change Order No. 1 in the amount of \$8,470 as an adjustment for the federal prevailing wage rate, for a new contract total of \$308,438.21. Division of Engineering has negotiated Change Order Number 2 (Final) in the amount of \$52,480.53 for

increases/decreases in scope of work, for a new total of \$360,918.74. Funds for Change Order No. 2 are budgeted in the Municipal Aid Program 1136-303202-3251-91715. Council authorization to execute Change Order No. 2 (final) is hereby requested.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-7 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-8 [00303-11](#)

Request Council approval to enter into an "Easement and Right Of Way" agreement with Columbia Gas of Kentucky, Inc. for an exclusive twelve feet x twelve feet (12' x 12') easement and right of way located at 1502 Russell Cave Road in Lexington. The site will be used to construct, maintain, operate and replace such pipelines, regulating, measuring, heating and other equipment that will be used in connection with transporting and distributing natural gas and/or other similar substances that can be transported through pipelines.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-9 [00388-11](#)

Annual Sanitary Sewer Capacity, Management, Operations and Maintenance (CMOM) Implementation Services - RFP#28-2011 - CONSENT DECREE. Request approval of an agreement between the LFUCG and Hazen and Sawyer, Environmental Engineers and Scientists, for the implementation of sanitary sewer Capacity, Management, Operations and Maintenance (CMOM) program deliverables associated with LFUCG's Consent Decree. Deliverables associated with this agreement include operational implementation of the: Sewer Overflow Response Plan (SORP); Pump Station Backup Power Plan; Gravity Line Preventative Maintenance Plan; and Fats, Oils and Grease (FOG) Plan. The specific scope of services associated with these deliverables will be allocated via a series of written task orders. Lump sum fees will be assigned to each approved task order pursuant to this Agreement.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-10 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-11 [00310-11](#)

To request Council approval to enter into a contract with Pilgrim Baptist church for rental of vacant lot adjacent to Coolavin Park for patron parking.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-12 [00373-11](#)

To request Council approval to enter into a Facility Usage Contract between the Fayette County Board of Education and the Lexington Fayette Urban County Government for rental of Winburn Middle School Gymnasium for a cheerleading showcase on Sunday November 6, 2011.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-13 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-14 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-15 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-16 [00387-11](#) {Requesting Council approval DDC Private Sub-Agency Training Agreement between the National Safety Council and the Division of Risk Management}

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- [00365-11](#) Request approval of contract between LFUCG and Global Compliance for the installation and administration of a fraud tip line.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-18 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-19 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- V.-20 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-21 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-22 [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 Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

V.-23 [00435-11](#)

A Resolution accepting the response of Denham-Blythe Co., Inc., to Bid No. 100-2011, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a Lease Agreement with Denham-Blythe Co., Inc., for a period of three (3) years for space located at 100 Trade St., Lexington, Ky., to be used as a Wellness Center, for an amount not to exceed \$7,877.40 per month plus utilities.

A motion was made by Council Member Julian Beard, seconded by Council Member Linda Gorton, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- 00451-11** A Resolution endorsing and supporting the Bluegrass Economic Advancement Movement (BEAM) and urging members of the Lexington-Fayette County and Jefferson County communities to fully participate in the project and to use this as an opportunity to further the collective goals of both cities as economic engines for all of Kentucky, and to provide economic and educational opportunities to its citizens.

A motion was made by Council Member Linda Gorton, seconded by Council Member Ed Lane, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- 00450-11** An Ordinance declaring portions of sidewalks in Hamburg Place Community Phase 1 and Phase 2 of Shetland Subdivision that have been dedicated to LFUCG as public right of ways and accepting the dedication.

A motion was made by Council Member Kevin Stinnett, seconded by Council Member Jay McChord, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

- 00456-11** A Resolution ratifying the Dept. of Law's execution of a settlement agreement stipulation and recommendation in Public Service Commission Case No. 2011-00161 pertaining to approval of KU environmental surcharge recovery.

A motion was made by Council Member Linda Gorton, seconded by Council Member Diane Lawless, that this Agenda Item be placed on the agenda and Approved.. The motion PASSED by an unanimous vote.

VI. Continuing Business/ Presentations

- VI.-1** **00436-11** 10-1-2011 Planning and Public Works Committee - CM Farmer
- VI.-2** **00437-11** Land Use & Watershed Management Impacts on Stormwater Runoff - Charlie Martin - Dir. Water & Air Quality
- VI.-3** **00438-11** 800 MHz Radio System Implementations - Comm. Mason and David Lucas, Dir. of E/911

VII. Council Reports

- VII.-1** **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 Steve Kay, seconded by Council Member Doug Martin, that this Agenda Item be Approved.. The motion PASSED by an unanimous vote.

VIII. Public Comment - Issues Not on Agenda