

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 19, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 19, 2009 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members McChord, Myers, Stinnett, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless and Martin. Absent was Council Member Beard.

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

Ordinances No. 227-2009 thru 236-2009 inclusive and Resolutions No. 679-2009 thru 715-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

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The Invocation was given by Rev. Martina Ockerman, The Rock La Roca United Methodist Church.

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The Mayor introduced Boy Scout Troop 111, along with Scout Master Jim Elkhorn, who were in attendance at the meeting.

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

Aye: McChord, Myers, Stinnett, Blues, Crosbie,
Ellinger, Feigel, Gorton, Gray, Henson,
James, Lane, Lawless, Martin-----14

Nay: -----0

An Ordinance 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 \$75,000 Federal funds, are for continuation of the Motor Carrier Safety Assistance Program, the acceptance of which obligates the Urban County Government for the expenditure of \$18,750 as a local match, appropriating funds pursuant to Schedule No. 73, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$181,107 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, appropriating funds pursuant to Schedule No. 74, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$5,287 Federal funds, are for the purchase of bulletproof vests for the Div. of Police (\$1,763), the Div. of Fire and Emergency Services (\$1,762), and the Office of the Fayette County Sheriff (\$1,762), the acceptance of which obligates the Urban County Government for the expenditure of \$3,525 as a local match, appropriating funds pursuant to Schedule No. 76, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, 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 \$48,093 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$16,031 as a local match, appropriating funds pursuant to Schedule No. 77, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$311,000 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, appropriating funds pursuant to Schedule No. 78, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$71,854 Federal funds, are for the purchase of equipment for the Div. of Police Mobile Data Computer Network System, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 79, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Energy, which Grant funds are in the amount of \$2,753,800 Federal funds under the Energy Efficiency and Conservation Block Grant (EECBG) Program, are for Energy Management Technology for monitoring and analyzing LFUCG's energy consumption (\$180,000), Energy Retrofits to make energy efficiency improvements to LFUCG's buildings and facilities (\$1,112,800), a Community Energy Awareness Program (\$297,000), Community Energy Retrofits to provide grants to nonprofit organizations in Fayette County to reduce energy consumption (\$314,000), Traffic Management Technology (\$500,000), a Community Bike Program (\$175,000), the Green Roof Education Program (\$25,000), and the Recycling Efficiency Program (\$150,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 80, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Schaefer Properties, LLC, for the Coolavin Park Community Building, increasing the contract price by the sum of \$71,459.44 from \$289,750.00 to \$361,209.44, and appropriating funds pursuant to Schedule No. 81.

An Ordinance 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 \$80,582 Federal funds, are for the purchase of equipment for the Div. of Police's Hazardous Devices Unit, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 82, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$117,020 Federal funds, are for the purchase of structural response mitigation equipment, for the Div. of Fire and

Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 83, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance 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 \$82,979 Federal funds, are for structural collapse response mitigation certification training for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 84, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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. 75.

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

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: Millikin Property (Shady Hills), Treeline Way; Tuscany, Unit 4-A, Summerfield, Meeting St., Patchen Wilkes Dr., Tuscany, Unit 4-B, Summerfield, Sandhurst Cove; Battery St., Patchen Wilkes Dr.; Tuscany, Unit 4-C, Summerfield, Battery St.; Mahon Property Lot 1, Mooncoin Way; Tuscany, Unit 4-E, Summerfield, Patchen Wilkes Dr.; Newtown Springs LCC, Unit 1, Sec 2, Newtown Center Way; Beaumont Farm, Unit 1, Sec 5, Beaumont Centre Cr., Midnight Pass; Sharkey Property Unit 4, Sec 1, Louie Pl.; Weil & Baker Property, Russell Cave Rd.; Richardson Property Unit 5, Sec 2, Hannah Todd Pl.; Bluegrass Aspendale Phase 3, Race St., Fourth St., Cunningham Ln., Julia Way, Shropshire Ave.; Fifth St., Nelson Ave., Mustang Crossing Dr.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 1, Lochmere Pl.; Gess Property, Unit 5-C, Sec 2; Honeycomb Trail; Gess

Property, Unit 5-D, Sec 2, Marlberry Pl.; Gess Property, Unit 5-E, Sec 2, Maidencane Dr.; Newmarket Unit 4-B, Brick House Ln.; Mahon Property Unit 1-B, Man O' War Blvd., Spencer Pk., Parker Meadows, Madison Point Dr.; Mahon Property Unit 1-C, Parker Meadows, Victoria Way, Madison Point Dr.; Greendale Hills Unit 3, Merluna Dr., Crescenzo Rd., Cielo Vista Rd.; Gess Property, Unit 11A, Larkhill Ln., Markus Trail, Bulrush Trace; Sunny Slope Farm Unit 3, Phase 2, Silverbell Trace, Kelli Rose Way; Tuscany, Unit 4-F (Summerfield), Sandhurst Cove; Calumet Terrace Subdivision, Lot 8 & 9, Viley Rd.; Blackford Property Ph 3, Unit 1A, Sec 2, Blackford Pkwy.; Blackford Property Ph 3, Unit 1-B, Sec 2, Cornelius Trace, Blackford Pkwy.

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: Sharkey Property Unit 3, Sec 2, Towne Square Pk., Meadow Oaks (Ashford Oaks), Unit 1-B, Sec 1, Bobwhite Trail; Marshall Property Unit 2-I, Sec 1, McConnells Trace, Bruce Properties, Corinthian Ct.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 2, Lochmere Pl.; Denton Farms, Inc. Unit 3, Sec A, Somersly Pl., Wentworth Pl.; Sunny Slope Farm Townhomes, Silverbell Trace; Lochmere Estates (Maple Ridge) Unit 1-A, Lochmere Pl.; Marshall Property Unit 2-I, Sec 2, McConnells Trace; Hamburg Place Farm, Sir Barton Way.

An Ordinance of the Lexington-Fayette Urban County Council relating to (I) the refunding of (A) the \$6,300,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005A, (B) the \$4,735,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005B and (C) the \$5,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2008 and (II) the financing of the acquisition, construction, equipping and installation of the completion of an approximately 61,120 square foot three-story addition to Sts. Peter and Paul Middle School and completion of

renovation of both the Sts. Peter and Paul Elementary and Middle Schools (collectively, the "Project"); (III) agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in three series, and a Lexington Revenue Note in one series in an aggregate amount not to exceed \$20,409,000 (the "Notes") (IV) approving and authorizing the execution and delivery of (A) a Loan Agreement among the Lexington-Fayette Urban County Government, Roman Catholic Diocese of Lexington and PNC Bank, National Association (B) the Notes, and (C) any and all other related documents; and (V) authorizing the taking of other related action.

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the downtown of the Lexington-Fayette Urban County to be known as the Showprop Lexington Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Dept. of Finance and Administration of the Lexington-Fayette Urban County Government; establishing an Incremental Tax Special Fund for payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs, and financing costs; designating the Lexington-Fayette Urban County Government's Dept. of Finance and Administration as the Agency responsible for oversight, administration, and implementation of the Development Area; and authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area.

An Ordinance providing that roll cart garbage and refuse collection shall be provided to property described in Gess Property Units 2A, 2B, and 2C, in accordance with Chapter 16 of the Code of Ordinances.

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. 86.

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

Aye: McChord, Myers, Stinnett, Blues, Crosbie,
Ellinger, Feigel, Gorton, Gray, Henson,
James, Lane, Lawless, Martin-----14
Nay: -----0

A Resolution accepting the bid of Dixon Electric, Inc., establishing a price contract for traffic sign installation and maintenance, for the Div. of Traffic Engineering.

A Resolution accepting the bid of ICOR Technology, Inc., establishing a price contract for EOD Backpack Rigging Kits, for the Div. of Police.

A Resolution accepting the bids of Municipal Equipment, Inc., Central Indiana Truck Equipment Corp., J. Edinger & Son, Inc., E-Z Pack Holdings, LLC, and Republic Diesel, establishing price contracts for refuse parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Scott Health & Safety c/o Fischer Process Industries and Alpha Controls, Inc., establishing price contracts for Analog Gas Transmitter and 1-4 Channel Receiver, for the Div. of Water Quality.

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of \$407,605.70, for the West Hickman Trail Project, for the Div. of Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid.

A Resolution accepting the bid of Arrow Electric, establishing a price contract for fiber optic cable installation and repair, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Wesco Distribution, Anixter, Rexel Electrical & Datacom, and Graybar Electric Co., establishing price contracts for fiber optic cable and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for traffic signal installation for new construction and emergency repairs, for the Div. of Traffic Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Bluegrass Youth for Christ, Inc. (\$150), and Bluegrass Community Action Partnership, Inc. (\$800), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for the Police Athletic League, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Bluegrass Junior Women's Club of an LCD television and laptop computer, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Frantz, Inc., for HVAC Upgrade, increasing the contract price by the sum of \$3,527 from \$120,290 to \$123,817.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., for an additional \$400,000 for the First-Time Homebuyer's Program, at a cost not to exceed an additional \$400,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Elza Construction, for site preparation of property located at 898 Georgetown Rd., increasing the contract price by the sum of \$2,624.88 from \$540,335.25 to \$542,960.13.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with various

baseball leagues, for use of baseball fields, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase Contracts, Deeds and other necessary documents, for the purchase of properties with Neighborhood Stabilization Program funds for land banking activities, at a cost not to exceed \$1,371,047.

A Resolution ratifying the probationary civil service appointments of: Jonathan Miller, Public Service Worker Sr., Grade 107N, \$12.701 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Timothy Burnett, Public Service Worker Sr., Grade 107N, \$13.299 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, James Clark, Public Service Worker Sr., Grade 107N, \$13.299 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Samuel Williams, Director of Streets, Roads & Forestry, Grade 123E, \$3,557.70 bi-weekly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Keith Martin, Public Service Supervisor, Grade 111N, \$18.290 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, James Webb, Public Service Supervisor, Grade 111N, \$20.943 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Jayson Barker, Administrative Specialist, Grade 110N, \$16.889 hourly, in the Div. of Waste Management, effective November 9, 2009, Chris Quan, Traffic Information Technician, Grade 112N, \$17.346 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Chris Schapley, Traffic Signal Technician Sr., Grade 112N, \$18.228 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Richard Fowler, Traffic Signal Technician Sr., Grade 112N, \$19.698 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Jessica Williams, Budget Analyst, Grade 115E, \$1,769.23 bi-weekly, in the Div. of Budgeting, effective December 7, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with the Lexington Art League, Inc., for use of the Loudon House, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Pohl-Rosa-Pohl, for the Raven Run Tourist Center, increasing the contract price by the sum of \$3,690 from \$22,584 to \$26,274.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with H.W. Lochner, Inc., for right-of-way services for the Newtown Pike Extension Project Mitigation Area, increasing the contract price by the sum of \$1,031.25 from \$196,650.00 to \$197,681.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Definitive Relocation Agreement with Windstream Ky. East, LLC, for relocation of utilities for the S. Limestone Streetscape Project, at a cost not to exceed \$222,191.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Fiber Optic Cable Relocation Agreement with TW Telecom of Ky., LLC, for relocation of fiber optic cable for the S. Limestone Streetscape Project, at a cost not to exceed \$18,886.22.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with the Lexington Center Corp., for rental of Rupp Arena for the 2009 Ky. Christmas Chorus, at a cost not to exceed \$27,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Citation Blvd. Phase 2 Roadway Project, at a cost not to exceed \$7,900,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Military Missions, Inc. (\$750), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

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

Aye: McChord, Myers, Stinnett, Blues, Crosbie,
Ellinger, Feigel, Gorton, Gray, Henson,
James, Lane, Lawless, Martin-----14

Nay: -----0

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of \$314,165.65, for the Leesway Dr. Sanitary Sewer Improvements, for the Div. of Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Kenvirons, Inc., for the Dixie Pump Station Upgrade and Force Main Improvements, at a cost not to exceed \$30,730.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with BTM Engineering, Inc., for the Deep Springs Pump Station Upgrade and Force Main Improvements, at a cost not to exceed \$51,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 2705 and 2709 Meadowsweet Ln.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Lexington-Fayette County Health Dept., for the provision of vaccination related services in the event of a public health crisis, retroactive to October 21, 2009, at no cost to the government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Merchant Processing Application and Agreement with Direct Connect, LLC, for credit card processing through the Internet for certain fee payments, and further authorizing and directing the execution by appropriate personnel of an online Registration Service Agreement

with Plug and Pay Technologies, for Gateway Services, for the Div. of Parks and Recreation, in respective amounts based upon actual usage, which total amount is estimated to be \$2,000 for the remainder of this fiscal year.

A Resolution requesting that the Legislature amend KRS 100.991 to expressly authorize urban county governments and other local governments to issue civil fines for violating the provisions of KRS Chapter 100 (Zoning Law); and hereby notifying Governor Steve Beshear, Senate President David L. Williams, House Speaker Greg Stumbo, and Fayette County's legislators of this Resolution and authorizing and directing the Dir. of Government Relations to take any other appropriate action consistent with the intent of this Resolution.

A Resolution requesting that the Legislature amend KRS 100.991 to increase the penalties; and hereby notifying Governor Steve Beshear, Senate President David L. Williams, House Speaker Greg Stumbo, and Fayette County's legislators of this Resolution and authorizing and directing the Dir. of Government Relations to take any other appropriate action consistent with the intent of this Resolution.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Lexington-Fayette Urban County Housing Authority and REACH, Inc., to provide home ownership counseling for the Hope VI Revitalization Grant, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Acquisition, Arbitration, and Settlement Agreement with Elkhorn Bend, LLC, the Lexington-Fayette Urban County Airport Board, and Wayne Murty, related to the condemnation proceeding previously authorized by the Urban County Council pursuant to Resolution No. 317-2008, at no cost to the Urban County Government.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Pleasant Ridge Dr. from Aspen St. to Autumn Ridge Dr. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a greenway from the owner of record, for property located at 177 Robinson Way in the Masterson Station Center - Citation Village & Greathouse Property, at no cost to the Urban County Government.

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Upon motion of Mr. McChord, seconded by Mr. Myers, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with Commerce Lexington, Inc., for the facilitation of economic development activities and initiatives, at a cost not to exceed \$522,170 was placed on the docket and given first reading.

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

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

Aye: McChord, Myers, Stinnett, Blues, Crosbie,
Ellinger, Feigel, Gorton, Gray, Henson,
Lane, Lawless, Martin-----13

Nay: James-----1

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

A Resolution accepting the bid of G4S Justice Services, Inc., establishing a price contract for Electronic Monitoring of Inmates, for the Div. of Community Corrections.

A Resolution accepting the bid of Amteck of Ky., Inc., establishing a price contract for maintenance of outdoor warning sirens, for the Div. of Emergency Management/911.

A Resolution accepting the bid of L-M Asphalt Partners, Ltd. d/b/a ATS Construction, establishing a price contract for asphalt, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Midsouth Baseball, Inc., establishing a price contract for Baseball Field Drying Conditioners, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Landpro, establishing a price contract for the Community Corrections Scenic Corridor Tree Project, for the Dept. of Public Safety and the Div. of Community Corrections.

A Resolution accepting the bid of Brenntag Mid-South, establishing a price contract for odor control chemicals, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Dustin Baker, GIS Specialist, Grade 114N, \$19.855 hourly, in the Div. of Computer Services, effective November 9, 2009, Lee McKinney, Electronic Computer Controls Specialist, Grade 113N, \$25.013 hourly, in the Div. of Community Corrections, effective November 9, 2009, Kent Dornbrock, Golf Course Superintendent Sr., Grade 116E, \$2,354.64 bi-weekly, in the Div. of Parks and Recreation, effective November 9, 2009; ratifying the unclassified civil service appointment of: Jerry Boyd, Security Officer, Grade 106N, \$10.367 hourly, in the Div. of Facilities and Fleet Management, effective November 23, 2009.

A Resolution of the Lexington-Fayette Urban County Council authorizing the execution of a Memorandum of Agreement between Lexington-Fayette Urban County Government and Roman Catholic Diocese of Lexington, a non-profit organization relating to (I) the refunding of (A) the \$6,300,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005A and (B) the \$4,735,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005B and (C) the \$5,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2008 and (II) the financing of the acquisition, construction, equipping and installation of the completion of an approximately 61,120 square foot three-story addition to Sts. Peter and Paul

Middle School and completion of renovation of both the Sts. Peter and Paul Elementary and Middle Schools (collectively, the "Project"); agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in three series, and a Lexington Revenue Note in one series in an aggregate amount not to exceed \$20,409,000 at the appropriate time to pay for costs of the Project; and taking other preliminary action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Administrative Office of the Courts, for the Div. of Community Corrections to conduct urine testing for Fayette County Drug Courts.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Greenberg Traurig, LLP, for assisting the Div. of Community Corrections with negotiation of a new per diem for housing federal prisoners, at a cost not to exceed \$45,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Schroeder Construction, Inc., for the Cadentown/Versailles Rd. Sanitary Sewer Improvements Project, increasing the contract price by the sum of \$119,819.49 from \$696,637.75 to \$816,457.24.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for process and control improvements at Town Branch Wastewater Treatment Plant, West Hickman Wastewater Treatment Plant and all pump stations, at a cost not to exceed \$2,859,500.

A Resolution authorizing and directing 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, at a cost not to exceed \$4,001.30.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Co., to attach banner equipment to poles, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Yates Elementary Gym, at a cost not to exceed \$4,080.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with MES Enterprises, LLC, to adjust the monthly rental schedule to provide for a lump sum rental payment in the amount of \$22,790.62.

A Resolution authorizing and directing the Dept. of Finance and Administration, beginning Fiscal Year 2011, to designate a fund of up to \$200,000 per fiscal year, to be funded by the actual amount of collections of nuisance abatement costs and civil penalties issued by the Div. of Code Enforcement, in order to fund abatement related activities by the Div. of Code Enforcement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Assignment of Scenic and Conservation Easements with Fayette County Rural Land Management Board, Inc., for assignment of the Scenic and Conservation Easements on the Mary E. Wharton Nature Sanctuary at Floracliff, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement, with Bluegrass State Games, Inc., for implementation of the Bluegrass State Games, Inc., at a cost not to exceed \$52,500.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate David Dr. as being prohibited to through trucks; authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a deed conveying a permanent sanitary sewer easement for the property located at 2550 Winchester Rd., as part of the Hamburg East Development, at no cost to the Urban County Government.

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Upon motion of Ms. Crosbie, seconded by Mr. McChord, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Ms. Andrea L. Strassburg and Mr. James T. Wilson to the Commission for Citizens with Disabilities, with terms to expire 1-1-2013. Ms. Strassburg will fill the unexpired term of Ms. Margaret Steinman and Mr. Wilson will serve as the Employment & Education Advocacy Representative; (2) Recommending the appointment of Mr. Wesley N. Raney as a non-voting member from the Ky. Transportation Cabinet, District 7, to the Corridors Commission, with a term to expire 8-1-2011; and (3) Recommending the appointments of Mr. William W. Farmer and Ms. Marian F. Guinn to the Social Services Advisory Board, with terms to expire 9-1-2013.

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Ms. James stated following the vote on the Communications from the Mayor that she had intended to vote no on Communication Number 3, but that the vote had gone through too quickly. She asked that voice votes be conducted more slowly in the future

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Mr. McChord commended the work of Police Officer Keith Todd, Fire Lieutenant John Gosper, and Firefighter Terrance Gatewood, at a fire on November 18, 2009, on Spring Run Road in the Ninth Council District. He also thanked Commissioner Tim Bennett, Dept. of Public Safety, and Fire Chief Robert Hendricks, Div. of Fire and Emergency Services. He stated that he as well as the family were extremely appreciative of their work.

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Mr. Bernard McCarthy, Harry Street, spoke about traffic congestion, and ways to plan infrastructure in order to alleviate the problem. He also stated his desire for the Urban County Government to charge impact fees to developers.

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Ms. Pam Brandenburg, President of the Civil Service Employees Association (CSEA), spoke about the CSEA's concerns about the increase in insurance rates for Urban County Government employees in 2010. She gave details about the new insurance rates and explained what the increase in rates would mean for non-collective bargaining employees.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:55 p.m.

Clerk of the Urban County Council