Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 22, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 22, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James and Lane.

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

Ordinances No. 52-2010 thru 59-2010 inclusive and Resolutions No. 164-2010 thru 190-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Mr. Darian Sanders, Spiritual Life Director, Lexington Christian Academy.

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Mr. McChord presented a Commemoration to Miss Sarah Beth Barnette, Lexington Christian Academy, 2010 Ky. Miss Basketball. The award is given by the Ky. Lions Eye Foundation. Mr. McChord stated how proud he was of her, and noted that she was his cousin.

Mr. McChord invited Mr. Steve Nelson, Ky. Lions Eye Foundation, forward to speak. Mr. Nelson thanked the Council and the Mayor for honoring Miss Barnette. Miss Barnette thanked the community and the Council for the honor.

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An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Enterprise Systems Developer Sr., Grade 118E, in the Div. of Enterprise Solutions was given second reading.

Ms. Lawless asked questions of Mr. Rama Dhuwaraha, Chief Information Officer, about the ordinance. Mr. Dhuwaraha responded.

Upon motion of Mr. Myers, and seconded by Mr. Lane, the ordinance was approved by the following vote:

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane----------------15

Nay: ---0

* * *

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane----------------15

Nay: ---0

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Taxable General Obligation Pension Funding Bonds, Series 2010D in the aggregate principal amount of $35,845,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing the costs of funding unfunded liabilities of the Lexington-Fayette Urban County Government; approving the form of the Series 2010D Bonds; authorizing designated officers to execute and deliver the Series 2010D Bonds; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Series 2010D bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the bid of the Bond Purchaser for the purchase of the Series 2010D Bonds; and repealing inconsistent ordinances.

An Ordinance of the Lexington-Fayette Urban County Government authorizing and providing for the issuance of $14,400,000 principal amount of Sewer System Revenue Refunding Bonds, Series 2010A, dated the date of delivery (subject to plus or minus 10% adjustment as to principal upon the sale thereof) for the purpose of refinancing the outstanding principal amount of the Lexington-Fayette Urban County Government Sewer System Revenue Bonds, Series 2001A due July 1, 2014 and thereafter, to pay a one percent (1%) premium thereon and to fund interest from the last interest payment date to the date on which the bonds will be redeemed, July 1, 2011, setting forth the terms and conditions upon which said Series 2010A bonds are to be issued and outstanding and taking other related actions.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. for Air Quality, which Grant funds are in the amount of $150,000 Federal funds, are for the retrofit of twenty-six refuse haulers, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 129, 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. 130.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $301,664 (FHWA Planning), $44,000 (Federal Transit Administration Section 5303), $102,000 (Mobility Office (SLX)), and $54,000 (Air Quality Planning (SLX)) Federal funds, are for the Div. of Planning Unified Work Program - FY2011, the acceptance of which obligates the Urban County Government for the expenditure of $56,562 (FHWA Planning), $11,000 (Federal Transit Administration), $25,500 (Mobility Office (SLX)), and $13,500 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2011, appropriating funds pursuant to FY 2011 Schedule No. 4, 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 Bluegrass Area Development District, 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 $90,554 Federal funds, are for the operation of the Senior Citizens Center in FY 2011, the acceptance of which obligates the Urban County Government for the expenditure of $160,146 as a local match, appropriating funds pursuant to FY 2011 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 $241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 6, 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 Lexington-Fayette Urban County Health Dept., which Grant funds are in the amount of $491,657 Federal funds, are for the Home Network Project at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 7, 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. Transportation 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 $65,000 Federal funds, are for the Traffic Safety Program, the acceptance of which obligates the Urban County Government for the expenditure of $65,000 as a local match, appropriating funds pursuant to FY 2011 Schedule No. 8, 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 the 2010 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,871,166 Federal funds, are for FY 2011 Community Development Block Grant Program ($2,278,561), HOME Program ($1,501,092), and Emergency Shelter Grant Program ($91,513), the acceptance of which obligates the Urban County Government for the expenditure of $351,746 from various funding sources as local cash match and $67,513 in-kind match; appropriating funds pursuant to FY 2011 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved plan.

An Ordinance amending Section 1 of Ordinance No. 40-2010 correcting the Subsection line number for the position of Engineering Technician, Grade 111N, in the Div. of Water Quality.

An Ordinance amending Section 16-43(7) of the Code of Ordinances to change limits on chemical constituent contributors (cadmium, hexalent chromium, and mercury) to Town Branch and West Hickman Creek Wastewater Treatment Plants.

* * *

The following ordinances were given first reading. Upon motion of Mr. Stinnett, seconded by Ms. Henson, the rules were suspended by unanimous vote.

Ms. Crosbie asked questions of Chief Robert Hendricks, Div. of Fire and Emergency Services, about the ordinances. Chief Hendricks responded.

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane----------------15

Nay: --0

An Ordinance amending Section 23-18 of the Code of Ordinances setting a minimum and maximum age for applicants; removing the requirement for a six month recruitment cycle; adopting the State Fire Commission’s Physical Fitness Test; providing that rankings are based on a combined score; providing that the eligibility list shall expire at the end of the recruitment cycle unless extended by the Director of Human Resources and the Fire Chief; providing that the permanent removal of applicants who do not meet the criteria set forth in KRS 95.440 and the applicable sections of the Code of Ordinances; and removing the Rule of Five.

An Ordinance amending Section 22-53.1 of the Code of Ordinances setting a minimum and maximum age for applicants; removing the requirement for a six month recruitment cycle; providing that rankings are based on a combined score; providing that the eligibility list shall expire at the end of the recruitment cycle unless extended by the Director of Human Resources and the

Chief of Police; providing that the permanent removal of applicants who do not meet the criteria set forth in KRS 95.440 and the applicable sections of the Code of Ordinances; and removing the Rule of Five.

* * *

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

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Commonwealth of Ky. Office of Highway Safety, 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 $25,000 Federal funds, are for "Click It or Ticket" Safety Belt Enforcement Mobilization, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 131, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Transportation 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 $25,000 Federal funds, are for a speed enforcement project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2011 Schedule No. 10, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Transportation 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 $10,000 Federal funds, are for a Collision Reporting Quality Control Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2011 Schedule No. 11, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the Lexington-Fayette Urban County to be known as the Turfland Town Center 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 amending Section 1 of Ordinance No. 54-2010 correcting the subsection line number for the position of Administrative Officer, Grade 118E, in the Div. of Youth Services.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Blue Grass Community Foundation, which Grant funds are in the amount of $525,000, are for expansion of broadband access in Lexington-Fayette County to improve access to underserved neighborhoods and enhance public safety, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 132, 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 Financial Commission for Appalachia High Intensity Drug Trafficking Area, which Grant funds are in the amount of $2,000 Federal funds, are for narcotics investigation activities, for the

Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 133, 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. Dept. of Education, Div. of School and Community Nutrition, 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 $146,985 Federal funds, are for the 2010 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 134, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with the Board of Education of Fayette County Ky. for preparation and delivery of meals at a cost not to exceed $2.56 for each lunch, $1.58 for each breakfast and $0.68 for each snack.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. for Local Government, which Grant funds are in the amount of $75,000 Federal funds, are for construction of the Coolavin Rail Trail, the acceptance of which obligates the Urban County Government for the expenditure of $75,000 as a local match, appropriating funds pursuant to Schedule No. 135, 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. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $595,600 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 136, 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. 137.

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Upon motion of Ms. Lawless, seconded by Ms. Gorton, and approved by a majority vote of 13-2 (Feigel and Martin voted **no**), an Ordinance accepting the bid of Woodall Construction Co., Inc., in the amount of $2,603,629.38, for the Lexington Downtown Streetscape Phase One Improvements - East Main St., for the Dept. of Public Works and Development, authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Woodall Construction Co., Inc., related to the bid, and appropriating funds pursuant to Schedule No. 138 was placed on the docket.

Mr. Martin asked questions of Mr. Mike Webb, Commissioner, Dept. of Public Works and Development, regarding the ordinance. Mr. Webb gave more details about the project named in the ordinance.

Mr. Martin asked questions of Ms. Linda Rumpke, Commissioner, Dept. of Finance and Administration, about the funding for the project. Ms. Rumpke explained how the project had been bonded. Mr. Chip Sutherland, Hilliard Lyons, also responded to questions about the bond funds. Mr. Martin stated his concerns about the ordinance.

The Council continued to ask questions of Mr. Webb.

The ordinance was given first reading and ordered placed on file two weeks for public inspection.

* * *

A Resolution calling upon the Mayor to take all appropriate action, including legal action, to compel representatives of Ky.-American Water Co. to appear before the Urban County Council as soon as is practicable to explain its request for a rate increase under Public Service Commission Rate Case No. 2010-00036, to respond to questions relating to the rate increase, to respond to questions relating to its appearance before the Council in August of 2007, and to respond to questions about other related matters was given second reading.

Mr. Stinnett asked questions of Mr. Keith Horn, Dept. of Law, regarding the legality of the resolution. Mr. Horn suggested that the Council go into closed session in order to discuss matters of potential litigation.

Mr. Stinnett made a motion, seconded by Mr. Myers, and approved by a majority vote of 14-1 (Gray voted **no**), the Council went into closed session in order to discuss matters of potential litigation at 7:50 p.m.

Upon motion of Ms. Lawless, seconded by Mr. Ellinger, and approved by unanimous vote, the Council returned to open session at 8:20 p.m. with the same members present.

The Council stated their concerns about the resolution.

The Mayor asked if he would be authorized to retain counsel in the event of litigation.

Ms. Crosbie made a motion, seconded by Mr. McChord, and approved by unanimous vote, to separate the resolution from the rest of the resolutions for the purposes of voting.

The Council continued to discuss the resolution.

Mr. Beard made a motion to table the resolution. The motion failed for lack of a second.

The resolution **failed** to pass by the following vote:

Aye: Lawless, Beard, Crosbie, Ellinger, Gorton,
Gray, James---7

Nay: Martin, McChord, Myers, Stinnett, Blues,
Feigel, Henson, Lane---------------------------------8

* * *

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for Swimming Pool Chemicals, for the Div. of Parks and Recreation was given second reading.

Ms. Crosbie asked questions of Ms. Kimra Cole, Commissioner, Dept. of General Services, about the contract named in the resolution. Ms. Cole explained the need for the price contract.

Upon motion of Ms. Lawless, and seconded by Ms. Gorton, the resolution was approved by the following vote:

Aye: Lawless, Martin, McChord, Myers, Stinnett,

Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane----------------15

Nay: ---0

* * *

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane----------------15

Nay: ---0

A Resolution accepting the bid of Haynes Trucking, LLC, establishing a price contract for Crushed Glass Transport, for the Div. of Waste Management.

A Resolution accepting the bid of Minnifield Enterprize, in the amount of $58,964, for Police Roll Call West Renovation, for the Dept. of General Services and the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of G & K Services, establishing a price contract for uniform rental, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Glove Planet, LLC, establishing a price contract for Disposable Gloves, for the Div. of Community Corrections.

A Resolution accepting the bid of E-Z Pack Holdings, LLC, in the amount of $36,670.64, for vehicle repair of damaged Front End Loader, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for 15w40 Motor Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of BCD, Inc., in the amount of $419,500.01, for the LFUCG Municipal Recycling Facility Renovation, for the Dept. of Environmental Quality and the Div. of Waste Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with BCD, Inc., related to the bid.

Resolution of the Lexington-Fayette Urban County Government accepting the lowest and best bid received for the purchase of $14,420,000 principal amount of Lexington-Fayette Urban County Government Sewer System Revenue

Refunding Bonds, Series 2010A and providing for the interest rates and bond maturities in respect of such Series 2010 Bonds and taking other related actions.

A Resolution rescinding Resolution No. 51-2010, accepting the bid of Tri-County Ford Mercury, Inc., in the amount of $97,014, for pickup trucks equipped with Snow Removal Equipment, for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $181,107 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for services for the Cold Case Project, at a cost not to exceed $10,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, for reduction of the amount of funds provided to the Commonwealth Attorney's Office for services to the Street Sales Drug Enforcement Project by $25,203, from $51,664 to $26,461.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for use of Winburn Middle School Gym and Library, at a cost not to exceed $24,120.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with the Fayette County Board of Education, for the Extended School Program and Recreational Environment and Learning Program, 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 Access Agreement with Shield Environmental Associates, Inc. for access to the Town Branch Wastewater Treatment Plant property for installation of a monitoring well, 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 Memorandum of Understanding with the University of Ky. Research Foundation for specialized fecal coliform sampling and analysis in the Wolf Run Watershed at a cost not to exceed $73,966.

A Resolution authorizing the Div. of Waste Management to purchase a Heil Multipack Waste Collection Body from Central Indiana Truck Equipment Corp., a sole source provider, at a cost not to exceed $161,358.

A Resolution pursuant to Code of Ordinances Section 18-66, designating the speed limit on Berea Rd. as 35 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

* * *

The following resolutions were given first reading. Upon motion of Mr. McChord, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane--------------15

Nay: --0

A Resolution accepting the bid of Murray State University, in the amount of $107,455, for the Communications Infrastructure Operations Center, for the Div. of Emergency Management/911, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Murray State University, related to the bid.

A Resolution accepting the bid of Sartin Services, Inc., in the amount of $315,630, for the Medical Ambulance Bus, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Cabinet for Economic Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of three hundred thousand dollars ($300,000) Commonwealth of Ky. funds, and are for the Project Craftsmanship Economic Development Bond Project.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Southpoint Dr. and Clearwater Way.

A Resolution expressing the Urban County Government's strong opposition to the rate increase requested by Ky. Utilities Co. in Public Service Commission Rate Case No. 2009-00548, requesting that Ky. Utilities Co. appear before the Urban County Council to explain the necessity of the increase, and directing the Clerk to notify the Public Service Commission, the Ky. Attorney General, and Ky. Utilities Co.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Golfview Estates Neighborhood Association, Inc. ($1,000); Meadow-Loudon Neighborhood Association, Inc. ($850); and Residents, Inc. ($1,250); 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 an Agreement with Bluegrass PRIDE, Inc., for services for the Community Energy Awareness Program, at a cost not to exceed $225,000 in Energy Efficiency and Conservation Block Grant funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with EnergyCAP, Inc., for energy management software, training and maintenance for three years, at a cost not to exceed $113,887.50 in Energy Efficiency and Conservation Block Grant funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $140,000 Federal funds under the 2010 Assistance to Firefighters Grant Program, and are for the purchase of a Propane Fueled Burn Room Prop.

A Resolution authorizing the Dept. of Finance and Administration to designate an Energy Improvement Fund within the Dept. of Environmental Quality for the funding of energy management measures, initiatives, and programs, and improvements to facilities; to be funded by and through cost reductions and savings realized through such energy related actions, with the appropriate personnel within the Dept. of Environmental Quality and the Energy Management Team to review energy related projects and determine the amounts to be placed in the fund.

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Upon motion of Mr. Blues, seconded by Mr. Myers, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Commonwealth of Ky. Finance and Administration Cabinet and the University of Ky. to establish mutual obligations related to the construction of the new Eastern State Hospital was placed on the docket and given first reading.

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

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane--------------15

Nay: ---0

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Upon motion of Ms. Feigel, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Scenic Byway and Highway Application for submission to the Ky. Transportation Cabinet, for designation of the Winchester Rd. Corridor as a scenic byway was placed on the docket and given first reading.

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

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

Aye: Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane--------------15

Nay: --0

* * *

A Resolution providing that Wayne Basconi, Attorney at Law, shall be engaged as need during a three year term to provide legal bill review services as required by Executive Order 2008-3 was given first reading.

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

Ms. Crosbie stated that additional information was needed before approval of the resolution.

The resolution was given second reading. Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the resolution was tabled until the May 6, 2010 Council Meeting.

* * *

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

A Resolution accepting the bid of Vogelpohl Fire Equipment, establishing a price contract for heavy duty power rescue tools, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for firefighter protective clothing, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of A & A Safety, Inc., establishing a price contract for hydraulic USAR rescue tools (HD), for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Pearce Blackburn Roofing and Kalkreuth Roofing and Sheet Metal, establishing price contracts for roofing repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire (Recycling Center), for the Div. of Waste Management.

A Resolution accepting the bid of Republic Services of Ky., LLC d/b/a M & M Sanitation, establishing a price contract for transportation and processing of recyclable materials, for the Dept. of Environmental Quality and the Div. of Waste Management.

A Resolution accepting the bids of Tom Chesnut Excavation & Construction, LLC; Haynes Trucking, LLC; Woodall Construction Co., Inc., and G&G Paving & Construction, Inc., establishing price contracts for equipment rental with operator, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Emergency Equipment, establishing a price contract for High Pressure Air Lifting Bag System and accessories, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of four (4) thirty foot (30') highway barriers from ATS Construction, for use by the Div. of Fire and Emergency Services, 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 Agreement with various baseball leagues, for Spring Season March 8, 2010 through July 31, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 10 to the Contract with Entran (formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the contract price by the sum of $159,036.00 from $6,066,969.51 to $6,226,005.51.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Farm and

Garden Market Cooperative Association, Inc., d/b/a Lexington Farmers Market, for the Farmers Market.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with LexLinc ($200), Lexington Local Investment Commission ($1,150), the Golf Townhouses of Andover Estate Section, Homeowners Association, Inc. ($1,000), the Police Athletic/Activities League of Lexington, Inc. ($250), Woodhill Neighborhood Association, Inc. ($1,250), Creekside at Andover Unit 2 Homeowners Association, Inc. ($1,000), KBCA, Inc. ($200), and Brookfield-Chase Neighborhood Association, Inc. ($163.85) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Judy Construction Co., for West Hickman Creek Wastewater Treatment Plant Equipment Improvements, for the Div. of Water Quality, increasing the contract price by the sum of $25,611 from $722,250 to $747,861.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a parking and access easement on property located at 366 McConnells Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a Sanitary Sewer Easement on property located at 367 McConnells Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a Sanitary Sewer Easement on property located at 3100 and 3110 Wall St.

A Resolution authorizing the Special Events Commissioner to execute an Agreement with Direct Connect to accept payments for Spotlight Lexington commemorative items via credit card.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Seventh Amendment to Agreement with AmeriNational Community Services, Inc., for loan servicing for the HOME and

CDBG Housing Rehabilitation and Homeownership Programs to extend the Agreement through June 30, 2012, at an additional cost not to exceed $60,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Concession Contracts with various concessioners, for various youth baseball leagues.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Claim Payment Agreements for Platinum PPO, Gold PPO and Silver HDHP and authorizing the Mayor to execute an Amendment to the Plan Management Agreement and the Stop Loss Policy with Humana Insurance Co., for the administration of health care claims for the period of January 1, 2010 through December 31, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a License and Sponsorship Agreement with Fifth Third Bank and the Downtown Lexington Corporation Foundation, for construction of the Fifth Third Bank Pavilion located in Cheapside Park.

A Resolution amending Section 1 of Resolution No. 788-2009, which ratified probationary civil service appointments, correcting the Div. for Tonia Walters, Staff Assistant, Sr., Grade 108N, $13.130 hourly, from Div. of Facilities and Fleet Management to Div. of Building Inspection, effective December 7, 2009.

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Upon motion of Ms. Henson, seconded by Mr. Lane, and approved by unanimous vote, a Resolution ratifying the probationary civil service appointments of: Trina Brown, Administrative Specialist Sr., Grade 112N, $17.790 hourly, in the Dept. of Social Services, effective April 26, 2010, Gerald Slatin, Buyer Sr., Grade 116E, $2,246.24 bi-weekly, in the Div. of Central Purchasing, effective April 26, 2010, Timothy Bailey, Technical Manager Enterprise Solutions, Grade 120E, $2,620.78 bi-weekly, in the Div. of Enterprise Solutions, effective March 29, 2010, Candace Wafford, Financial Manager Enterprise Solutions, Grade 119E, $2,355.28 bi-weekly, in the Div. of Enterprise Solutions, effective March 15, 2010, William Martin, Human Resources Manager, Grade 119E, $2,307.69 bi-weekly, in the Div. of Human Resources, effective

April 26, 2010, Thomas Coon, Evidence Technician, Grade 112N, $20.725 hourly, in the Div. of Police, effective April 26, 2010 was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Mr. Lane, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Komicsa Rowley Laine to the Alarm Advisory Board, with a term to expire 7-1-2011. Ms. Laine will fill the unexpired term of Mr. Jeffrey Collins; (2) Recommending the reappointments of Mr. Henry Johnson and Mr. Thomas E. Weathers to the Dunbar Community Center Advisory Board, with terms to expire 3-20-2014; (3) Recommending the appointment of Ms. Linda Rumpke, as Fayette County representative, to the Lexington-Fayette Urban County Land Bank Authority, with a term to expire 5-1-2014; (4) Recommending the appointment of Ms. Mary H. Simons, as Georgetown Corridor representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2012; (5) Recommending the appointment of Mr. Terry M. Johnson, as 12th District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-14-2013; (6) Recommending the appointment of Ms. Kathy B. Hillyard to the Picnic with the Pops Board, with a term to expire 7-1-2012; and (7) Recommending the appointment of Ms. Mariana Moore, as Fayette County Neighborhood Council representative, to the Rural Land Management Board, with a term to expire 4-1-2014. The term of Ms. Carolyn Plumlee has expired.

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The following Communication from the Mayor was received for information only: (1) Resignation of Olivia Lamarr, Assistant Food Service Supervisor, Grade 109N, in the Div. of Family Services, effective April 9, 2010.

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The report from the Div. of Building Inspection for the 1st Quarter (January - March) of 2010 was received and ordered filed.

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Mr. Stinnett reminded everyone of the Tuesday, April 27, 2010 meeting of the Budget and Finance Committee.

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Mr. Bernard McCarthy, Harry St., asked the Mayor and the Vice-Mayor to respond to a question about the building of roads, and what they would do to create the least possible amount of impact on the current roads.

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Upon motion of Mr. Lane, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 9:05 p.m.

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Clerk of the Urban County Council