Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 6, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 6, 2010 at 6:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Gorton, Gray, Henson, James, Lane, Martin, McChord, Myers, Stinnett, Beard, Blues and Ellinger. Absent were Council Members Feigel, Lawless and Crosbie.

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

Ordinances No. 119-2010 thru 126-2010 inclusive and Resolutions No. 363-2010 thru 388-2010 inclusive were reported as having been signed and published, and were ordered to record.

The Invocation was observed as a moment of silence by the Mayor, the Council, and all in the Council Chamber.

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An Ordinance amending Subsection 12-1(b) PM-106.4.1 of the Code of Ordinances, Lexington-Fayette Urban County Government, to clarify that the penalties may apply to each structure or dwelling unit located on the real property and that the maximum civil penalty shall be $10,000 for each parcel of real property; amending Subsection 12-1(b) PM-107.2(6) of the Code to change $1,000.00 to $10,000.00 per parcel of real property; all effective on August 1, 2010 was given second reading.

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

Aye: Gorton, Gray, Henson, Lane, McChord,
Myers, Stinnett, Beard, Blues, Ellinger--------10

Nay: James, Martin---2

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

Aye: Gorton, Gray, Henson, James, Lane,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger---------------------------------------12

Nay: --0

An Ordinance amending Section 16-90(b) and 16-90(e) of the Code of Ordinances and creating Sub-Section 16-90(j) related to preparation of stormwater pollution prevention programs.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing two (2) positions of Child Care Program Aide, Grade 107N, and amending Section 22-5(2) of the Code of Ordinances creating four (4) positions of Equipment Operator, Grade 108N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 22.

An Ordinance amending Section 21-6 of the Code of Ordinances providing that employees terminated during their probationary period as a result of excessive absences due to a serious health condition or illness may apply for other positions prior to twelve months if medical documentation is provided and approval is obtained from the Mayor or his designee.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Human Resources Analyst, Grade 115E and creating one (1) position of Payroll Analyst, Grade 115E, in the Div. of Human Resources.

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 $67,000 Federal funds, are for participation in the Child Care Food Program for operation of the nutrition program at the Family Care Center in FY 2011, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 20, 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 accept a Grant from USA Football, for an equipment grant of football helmets, and appropriating funds pursuant to Schedule No. 21.

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 $500,000 Federal funds, are for Legacy Trail Enhancements, the acceptance of which obligates the Urban County Government for the expenditure of $125,000 as a local match, appropriating funds pursuant to Schedule No. 23, 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 U.S. Dept. of 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 $90,054 Federal funds, are for the Project Safe Neighborhoods Program, for the U.S. Attorney’s Office for the Eastern District of Ky., the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 24, 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. 25.

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The following ordinances were given first reading and ordered placed on file until August 19, 2010 for public inspection.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Financial Management Administrator, Grade 119E and one (1) position of Finance and Investment Analyst, Grade 116E, from the Div. of Accounting to the Dept. of Finance and Administration, transferring the incumbent, and appropriating funds pursuant to Schedule No. 26.

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. 27.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for the Distillery District Public Improvements Program, Streetscape Design, Trail Design and Construction, at a cost not to exceed $1,659,091 was on the docket for second reading.

Mr. Gray made a motion, seconded by Ms. Gorton, and **passed** by a majority vote of 9-2 (Ms. James and Mr. Blues voted **no**, and Mr. Lane recused himself when the vote was taken) to table the resolution until the August 19, 2010 Council Meeting.

* * *

A Resolution accepting the bid of Architectural Graphics, Inc., in the amount of $383,918, for the Wayfinding Sign System, for the Dept. of Public Works and Development, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Architectural Graphics, Inc., related to the bid was given second reading.

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

Aye: Gorton, Gray, Henson, James, Lane,
McChord, Myers, Stinnett, Beard, Blues,
Ellinger---11

Nay: Martin---1

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Baby Health Services ($16,650), Big Brothers, Big Sisters ($9,520), Bluegrass Community Action Agency ($27,750), Bluegrass Domestic Violence Program, Inc. ($75,000), Bluegrass Rape Crisis Center ($69,380), Bluegrass Technology Center, Inc. ($2,780), Center for Women, Children & Families ($46,250), Chrysalis House, Inc. ($37,000), Bluegrass Comprehensive Care Center ($291,140), Community Action Council ($166,500), Hope Center, Inc. ($740,000), M.A.S.H. Services of the Bluegrass, Inc. ($158,000), Moveable Feast Lexington ($37,000), Nursing Home Ombudsman Agency of the Bluegrass, Inc. ($46,250), Salvation Army ($200,000), and Sunflower Kids ($23,130) to provide services to the public, at a cost not to exceed $1,946,350 was given second reading.

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

Aye: Gorton, Gray, Henson, James, Lane,
McChord, Myers, Stinnett, Beard, Blues,
Ellinger---11

Nay: ---0
(Mr. Martin recused himself when the vote was taken.)

* * *

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

Aye: Gorton, Henson, James, Lane, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Ellinger---11

Nay: Gray---1

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Second and Final Renewal of the Annual Program Management Services Agreement with Tetra Tech, Inc., for the continued performance of services related to the EPA Consent Decree, and authorizing initial payment of funds in an amount not to exceed $1,766,000 and any further payments pursuant to the terms of the Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hazen and Sawyer, P.S.C., for three (3) Sanitary Sewer System Assessment Final Reports and three (3) Sanitary Sewer System and WWTP (Wastewater Treatment Plants) Remedial Measures Plans, for the Div. of Water Quality, at a cost not to exceed $2,000,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with L-M Partners, LTD d/b/a ATS Construction, for the Lexington Streetscape Phase One S. Limestone Project, decreasing the contract price by the sum of $9,295.01 from $13,146,557.19 to $13,137,262.18.

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

Aye: Gorton, Gray, Henson, James, Lane,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger---12

Nay: --0

A Resolution accepting the bid of Frantz, Inc., in the amount of $33,400, for the HVAC Cooling Tower Replacement - Kearney Hills Golf Course Clubhouse, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Frantz, Inc., related to the bid.

A Resolution accepting the bid of Northeast Industrial Mfg., Inc./Norcan, in the amount of $9,990, for Recycling Dumpsters for parks, for the Div. of Parks and Recreation.

A Resolution ratifying the probationary civil service appointments of: Carolyn Knoll, Program Specialist, Grade 112E, $1,246.56 bi-weekly, in the Div. of Water Quality, effective July 1, 2010; Benjamin Krebs, Municipal Engineer Sr., Grade 119E, $2,278.08 bi-weekly, in the Div. of Water Quality, effective July 1, 2010; Deepti Dawadi, Database Administrator, Grade 117E, $1,664.80 bi-weekly, in the Div. of Enterprise Solutions, effective July 1, 2010; ratifying the permanent civil service appointment of:

Dora Kay Bryant, Administrative Specialist Sr., Grade 112N, in the Div. of Building Inspection, effective July 18, 2010.

A Resolution authorizing the Div. of Waste Management to purchase equipment and related peripherals for relining the baler at the Materials Recovery Facility from IPS Balers, Inc., a sole source provider, at a cost not to exceed $33,233.20.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with Area Health Education Center, Bluegrass Community Action Agency, Legal Aid of the Bluegrass, Lexcare, Lexington Fayette County Urban League, National Alliance for the Mentally Ill, National Association for the Advancement of Colored People, and West End Community Empowerment Program (WECEP), for use of space at the Black and Williams Neighborhood Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Urban League of Lexington-Fayette County, for support of initiatives designed to enable African-Americans and disadvantaged citizens to achieve social and economic equality, at a cost not to exceed $61,510.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Road to Homeownership, Inc., for the provision of educational programs to economically disadvantaged and low to moderate income families, at a cost not to exceed $29,660.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with Roots & Heritage Festival, Inc., for the 2010 Roots & Heritage Festival, at a cost not to exceed $39,350.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette Urban County Human Rights Commission, for purchase of services for FY 2011, at a cost not to exceed $166,960.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements awarding Class A (Neighborhood) Grants for Stormwater Quality Projects to the Gardens of Hartland Homeowners Association, Inc. ($36,565.31), Meadowthorpe Neighborhood Association, Inc. ($29,794), The Woodfield

Homes Association, Inc. ($7,748.35), The Living Arts and Science Center, Inc. ($6,886), Friends of Wolf Run, Inc. ($5,000), and Friends of Wolf, Inc. ($5,000), 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 the Ky. Dept. of Agriculture, for the Senior Citizens Center to serve as a distribution site for the Farmer's Market Nutrition Voucher 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 Agreement with AB Dick, for a four-year lease and maintenance of a copier for the Senior Citizens Center, at an annual cost not to exceed $3,430.56, subject to sufficient funds being appropriated in subsequent fiscal years.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Portable Interoperable Communications Tower Project through December 31, 2010, 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 Statement of Compliance with the Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fayette Fiscal Court and Sandra M. Varellas, Fayette County Judge/Executive for the FY 2011 County Road Aid Fund Program for Fayette County.

A Resolution authorizing the Mayor on behalf of the Urban County Government, to execute Amendment No. 2 to the Contract with HDR Engineering, Inc. (formerly Quest Engineers, Inc.), for design of Citation Blvd. Phase III, increasing the contract price by the sum of $62,500 from $914,307 to $979,807.

A Resolution authorizing the Mayor, on behalf of the Urban County government, to execute an Agreement with OmniSource Integrated Supply, LLC, for inventory services, at a cost not to exceed $20,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 6 to the Contract with Nesbitt Engineering, Inc., for design of the Meadows/Northland/Arlington Public Improvements, Subphase 3C, increasing the contract price by the sum of $32,000.00 from $228,458.78 to $260,458.78.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 3 to Contract No. 4150 with GRW Engineers, Inc., for additional design services on the Comprehensive Sanitary Sewer Project, at an additional cost not to exceed $29,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Indiana Truck Equipment Corp., a sole source provider, for purchase of sixteen (16) Heil Python Multipack Refuse Bodies not to exceed $161,358 each for a total cost of $2,581,728.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Mountjoy Chilton Medley LLP, for performance of professional financial auditing services of all FY 2010 Urban County Government funds, at a cost not to exceed $103,380.

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

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

Aye: Gorton, Gray, Henson, James, Lane,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger---12

Nay: ---0

A Resolution accepting the bid of ADE Contracting, Inc., in the amount of $166,931.50, for the Legacy Trail - Ky. Horse Park Project, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with ADE Contracting, Inc., related to the bid.

A Resolution ratifying the probationary civil service appointments of: Michelle Haynes and Charles Bowen, Telecommunicator Sr., Grade 113N, $20.271 hourly, in the Div. of Emergency Management/911, effective July 5, 2010; Merri Reis, Telecommunicator Sr., Grade 113N, $16.037 hourly, in the Div. of Emergency Management/911, effective July 5, 2010; Clarence Steele, Operations Manager, Grade

116E, $2,478.48 bi-weekly, in the Div. of Waste Management, effective July 19, 2010; Marcus Ashford, Public Service Supervisor, Grade 111N, $15.116 hourly, in the Div. of Waste Management, effective July 19, 2010; Manwell Benton, Public Service Supervisor Sr., Grade 114E, $1,567.76 bi-weekly, in the Div. of Waste Management, effective July 19, 2010; Thomas Gerton, Public Service Supervisor Sr., Grade 114E, $1,453.76 bi-weekly, in the Div. of Waste Management, effective July 19, 2010; ratifying the permanent sworn appointments of: Shawn Burger, Timothy Nelms, Christopher Sutton, John Wells, Billy Clay McIntosh, Matthew Meiser, Jason Neal, Drew Gilliam, Michael Moffitt, Andrew Norton, Wesley Watts, John Dyehouse, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective April 16, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Div. of Emergency Management, for extension of the Cardinal Valley Storm Water Management Project through December 30, 2010, 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 Agreement with the Ky. Office of Homeland Security, for extension of the Metropolitan Medical Response System (MMRS) Project through December 31, 2010, 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 Agreement with the Ky. Office of Homeland Security, for extension of the Bomb Squad Enhancement Project through December 31, 2010, 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 Amendment to Agreement with Correctional Medical Services, Inc., for extension of the Agreement for the provision of medical care services to inmates at the Detention Center through June 30, 2011, at a cost not to exceed $2,884,308.

A Resolution authorizing the Mayor, the Fire Chief, and the Director of Environmental and Emergency Management, 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 Service's Special Operations Technical Rescue Team as the recognized Rescue Squad for Fayette County, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase parts and labor to repair the rotational bearing on Ladder Four's aerial device, from Finely Fire Equipment, a sole source provider, at a cost not to exceed $21,053.76.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Commerce Lexington ($508,010), Downtown Lexington Corp. ($47,450), Ky. World Trade Center ($101,050), Lexington Ky. Chapter of SCORE ($6,150), Lyric Theatre and Cultural Arts Center, Inc. ($150,000), Bluegrass Community Foundation ($5,000), Bluegrass Area Development District ($83,460), Bluegrass Community Action Agency ($27,750), Environmental Quality Commission ($2,120), Explorium of Lexington ($187,830) and Downtown Development Authority ($234,700), at a cost not to exceed $1,353,520.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Drug Enforcement Administration, for participation in the DEA Task Force.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Cooper Stofer, d/b/a Lexington Audio Video Advantage, for space located at 124 N. Broadway St., aka The Broadway Shoppes.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Subscription Agreement with Advent Financial Systems, LLC, a sole source provider, for debt collection services for the Div. of Community Corrections, at the flat fee amounts provided in the Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Stanley Convergent Security Solutions, Inc., for upgrade of the secure detention system at the Div. of Community Corrections, at a cost not to exceed $981,915.

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Upon motion of Mr. Lane, seconded by Mr. Ellinger, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Worksite Provider Agreement with Bluegrass Area Development District for the Worknow Ky. Program to provide summer employment opportunities with all costs to be paid by the Worknow Ky. Program was placed on the docket and given first reading.

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

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

Aye: Gorton, Gray, Henson, James, Lane,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger--12

Nay: --0

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Upon motion of Ms. Gorton, seconded by Mr. Lane, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Ms. Doris Benson and Mr. Larry Deener to the Airport Board, with terms to expire 7-15-2014. The terms of Mr. Bernard Lovely and Mr. John Davis have expired; (2) Recommending the reappointments of Mr. Peter Brown and Mr. Barry A. Stumbo to the Board of Adjustment, with terms to expire 7-1-2014; (3) Recommending the appointments of Mr. Josh Ackerman, Mr. Kyle Lake, Ms. Jackie Long, Ms. Monica Mucci, and Ms. Shaquisha Ray to the Explorium Board of Directors, with terms to expire 7-01-2014. Also, recommending the appointments of Mr. George Allgeier, Ms. Emily Lane, Ms. Julie Lewis, and Ms. Sarah Razor to the Explorium Board of Directors, with terms to expire 7-1-2012; (4) Recommending the appointments of Mr. Kenneth J. Golphin, Mr. Robert N. Murray, and Ms. Sandra N. Canon to the Human Rights Commission, with terms to expire 1-1-2014, 1-1-2012, and 1-1-2013, respectively. Mr. Murray will fill the unexpired term of Mr. Chris Ford. The terms of Ms. Alicia Vinson and Ms. Tracy Dennis have expired; (5) Recommending the appointment of Ms. Margaret M. Long to the Keep Lexington Beautiful Commission, with a term to expire 2-1-2012; (6) Recommending the appointments of Ms. Paula L. Setser, Ms. Marian M. Sims, and Ms. Stephanie A. Spires to the Library Board of Advisors, with terms to expire 1-1-2014; (7) Recommending the reappointment of Dr. Eunice A. Beatty to the Picnic with the Pops Commission, with a term to expire 7-1-2012; (8)

Recommending the appointment of Ms. Jana L. Curd to the Special Events Commission, with a term to expire 6-1-2014; and (9) Recommending the appointment of Ms. Ann K. Bowe to the Tree Board, with a term to expire 4-19-2012. Ms. Bowe will fill the unexpired term of Mr. Jess Haselwood.

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The following Communication from the Mayor was received for information only: (1) Acting appointment in an unclassified civil service position of Ann Lindsay Feazell, ESP Manager, Grade 116E, in the Div. of Parks and Recreation, effective July 1, 2010.

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Upon motion of Mr. Ellinger, seconded by Mr. Lane, and approved by unanimous vote, the meeting adjourned at 6:37 p.m.

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Clerk of the Urban County Council