DOCKET-REGULAR MEETING-LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT COUNCIL MEETING

September 23, 2010 – 7:00 P.M.

I. ROLL CALL

II. INVOCATION

III. ORDINANCES –SECOND READING

1. An Ordinance amending Section 21-27(b) of the Code of Ordinances to provide that employees in the Div. of Enterprise Solutions shall receive standby pay for any pay period during which said employee is required to be on twenty-four-hour standby status for the emergency servicing of computer equipment, and appropriating funds pursuant to Schedule No. 36.

2. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an amended Grant award from the Ky. Div. for Air Quality, which Grant funds are in the increased amount of $204,947 Federal funds, are for the retrofit of refuse haulers, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 39, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

3. An Ordinance amending Section 18-65.1(c) of the Code of Ordinances relating to parking meters to allow for signage for no parking tow zones, and creating Section 18-65.1(d) of the Code of Ordinances to authorize towing of vehicles parked at a meter or other designated paid parking spaces that have been covered with a bag or posted as restricted parking by authorization of the Lexington and Fayette County Parking Authority or the Div. of Police.

4. An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist Principal, Grade 114E, and three (3) positions of Administrative Specialist, Grade 110N, ending two (2) years from the effective date of passage of this Ordinance, within the Div. of Water Quality.

5. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 38.

IV. ORDINANCES – FIRST READING

6. An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 0.120 net (0.225 gross) acre, for property located at 165-167 Jefferson St.; and from a Neighborhood Business (B-1) zone to Planned Neighborhood Residential (R-3) zone, for 0.046 net (0.065 gross) acre, for property located at 163 Jefferson St., and requesting dimensional variances.

(Lexington Home Ownership Commission, Inc. (AMD)) Approval 10-0 OBJECTOR (To be heard by November 24, 2010)

7. An Ordinance accepting the bid of Scheller's Fitness & Cycling, in the amount of $39,030 for fitness facility equipment, for the Div. of Police, and appropriating funds pursuant to Schedule No. 44. (2 Non-Low)

8. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $250 from Columbia Gas Transmission, LLC for the Div. of Fire and Emergency Services, and appropriating funds pursuant to Schedule No. 41.

9. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, to amend the amount of funds budgeted for the various items for the Fiber Optic Cable Installation Program for FY2008, at no cost to the Urban County Government, and appropriating funds pursuant to Schedule No. 42.

10. 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. 43.

11. An Ordinance amending Subsection 13-5(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, to add the word initial and the term if otherwise required; creating Subsection 13-6(L) of the Code to exempt individuals and sole proprietorships from payment of the annual minimum license fee after initial licensure if their reported gross income is $4,400 or less; amending Section 13-9 of the Code to clarify the application of the minimum license fee, to require payment each year by no later than the due date for the filing of net profit returns with licensure valid for the calendar year in which payment of the fee was submitted, and to delete the requirements of obtaining a separate license for each location and the posting of said licenses.

12. An Ordinance authorizing the issuance of Cultural and Recreational Revenue Refunding Bonds, Series 2010A (Centenary United Methodist Church Project), in the authorized principal amount of $2,400,000 (the "Series 2010A Bond") and Cultural and Recreational Revenue Refunding Bonds, Series 2010B (Centenary United Methodist Church Project), in the authorized principal amount of $1,100,000 (the "Series 2010B Bond") of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to Centenary United Methodist Church, Inc. to finance the cost of the following: (I) Series 2010B Bond shall be used to refinance outstanding debt, including penalties and/or premiums, the proceeds of which were used to construct, install, renovate and equip certain capital improvements to the facilities of Centenary United Methodist Church, Inc., located at 2800 Tates Creek Rd., Lexington, Ky. 40502 (the "Main Campus"), including without limitation the construction of the Foundry, which consists of a Multi-Purpose Room used for

fellowship and various instructional, cultural and recreational programs, and the installation of a new roof on the Main Campus, excluding, however, the Foundry, Sanctuary and Chapel; (II) Series 2010A Bond shall be used to refinance outstanding debt, including penalties and/or premiums, the proceeds of which were used to acquire approximately 100 acres located at 4701 Athens Boonesboro Rd., Lexington, Ky. 40509, which is used for athletic and recreational programs; and (III) to pay costs and expenses of issuance related to the foregoing, providing for the pledge of revenues for the payment of such Bonds, authorizing a Bond Purchase Agreement and a Loan Agreement appropriate for the protection and disposition of such revenues and to further secure such Bonds; recognizing the Bonds as qualified tax exempt obligations under I.R.C. §265(b)(3)(G) (i) and (ii); and authorizing other actions in connection with the issuance of such Bonds.

V. RESOLUTIONS – <u>SECOND READING</u>

1. A Resolution approving the Citizens' Advocate Professional Standards and Citizens' Advocate Policy and Procedures Manual.

2. A Resolution temporarily appointing Paula Campbell to the interim position of Acting Citizens' Advocate effective upon date of passage of this Resolution and continuing until a permanent appointment is made, and approving a ten percent (10%) salary increase.

3. A Resolution rescinding Resolution No. 168-2010, accepting the bid of ZKB Construction Services, LLC, in the amount of $100,000, for the installation and construction of sidewalk ramps, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ZKB Construction Services, LLC, related to the bid.

4. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Claunch Construction, LLC, for increased quantities of materials for the West Hickman Trail Project, increasing the contract price by the sum of $69,737.70 from $407,605.70 to $477,343.40.

5. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the World Games 2010 Foundation, Inc., for products and services for the 2010 World Equestrian Games.

6. A Resolution approving and adopting Guidelines for the Community Energy Retrofit Program; authorizing Bluegrass PRIDE to issue a Funding Opportunity Announcement, to accept applications and to select recipients; and authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with successful applicants.

7. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Bluegrass PRIDE, Inc., for additional Energy Efficiency and Conservation Block Grant funds in the amount of $57,000 for the purchase of educational materials and supplies, costs of travel in program management, and the purchase and installation of LED exit signs for the Community Energy Awareness Program.

8. A Resolution amending Section 2 of Resolution No. 282-2010 which authorized the Mayor, on behalf of the Urban County Government, to execute Agreements with various organizations, decreasing the allocation to Bluegrass Community Foundation, Inc., from $2,785 to $2,004 for the Office of the Urban County Council.

9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute additional Software License Agreement with New World Systems, for mobile unit software, at a cost not to exceed $4,246.

10. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Addendums 1 and 2 to the Pole Attachment Agreement with Ky. Utilities, to attach radio nodes to utility poles.

11. A Resolution changing the street name of Hilo St. to Durman Dr. in memory of the late Officer Bryan J. Durman; effective thirty days from passage.

12. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Ky. Div. of Emergency Management of 4 Moulage Kits ($1,754.08), 2 Rescue Randy Manikins ($2,697.52), and 29 Boxes of Wristbands ($1,943.00), for use by the Div. of Emergency Management/911, at no cost to the Urban County Government.

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Columbia Gas of Ky., for increased labor and materials for the relocation of utilities for the Clays Mill Rd. Improvement Project, increasing the contract price by the sum of $87,535.70 from $485,913.00 to $573,448.70.

14. A Resolution ratifying the probationary civil service appointments of: Thomas D’Andrea, Enterprise Systems Developer Sr., Grade 118E, $2,039.77 bi-weekly, in the Div. of Enterprise Solutions, effective September 27, 2010; Debra Miller, Telecommunicator, Grade 111N, $16.977 hourly, in the Div. of Emergency Management/911, effective October 25, 2010; ratifying the permanent civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, in the Div. of Computer Services, effective August 23, 2010, Robert Thomas, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective August 22, 2010; ratifying the probationary Community Corrections Officer appointments of: Dennis Barrows, Davion Benjamin, Charles Bradburn, Brian

Brookshire, David Brumfield, Robin Carr, Terrica Cayson, Jamaica Charters, Harvey Cloyd, Stacie Cochran, Frederick Cotton, Michael Dixon, Shirlondda Dixon, Christopher Foote, Andrew Frederick, Michelle Gentry, Sarah Gerardi, Robert Graff, Eric Hindenrite, Kirk Hoffman, Douglas Jackson, Rhonda Keemle, Carolyn Keemle, Angela Martin, Beth Melton, Jason Payton, Joshua Puckett, Mia Reed, John Rheaume, Ron Robinson, Paula Roe, Eric Rumpler, John Rutkowitz, Don Salchi, Gregory Stewart, Clayton Stocker, Adam Tuska, Aaron Wagner, Peter Williams, Roger Williams, James York, Ryan Casteel, Michael Coleman, Jr., Fannie Cooley, David Dillon, Kelli Fee, Michael Harris, Chad May, Ryan Morrison, Betty Murray, Cassie Peters, Yetivia Wattenberger, Community Corrections Officer, Grade 110N, $14.34 hourly, in the Div. of Community Corrections, effective September 7, 2010; approving the unclassified civil service appointment of: Robert Sebring, Skilled Trades Work P/T, Grade 000N, $20.769 hourly, in the Div. of Community Corrections, effective September 10, 2010.

VI. RESOLUTIONS – FIRST READING

15. A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire hose, for the Div. of Fire and Emergency Services. (1)

16. A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for reflective vehicle decals, for the Div. of Police. (2)

17. A Resolution accepting the bids of Vulcan Materials Co. and Lexington Quarry Co., establishing price contracts for rock, for the Div. of Streets, Roads and Forestry. (2)

18. A Resolution accepting the bid of Brock McVey Co., establishing a price contract for central air filters, for the Div. of Community Corrections. (10)

19. A Resolution accepting the bids of KOI Auto Parts; B.W. Rogers, Co. (Fluid Power Products Div.); Applied Industrial Technologies, Inc.; Superior Hose & Fittings, Inc.; General Parts, Inc.; and Power Train of Ky., establishing price contracts for hydraulic hose fittings, for the Div. of Facilities and Fleet Management. (6)

20. A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire re-treading, for the Div. of Facilities and Fleet Management. (1)

21. A Resolution accepting the bids of Polydyne, Inc. and Atlanco, establishing price contracts for Polymer Flocculants, for the Div. of Water Quality. (5)

22. A Resolution accepting the bid of Radio Communications Systems, Inc. d/b/a RCS Communications, establishing a price contract for communication system and component maintenance, for the Div. of Police. (1)

23. A Resolution accepting the bid of Hydromax USA, LLC, establishing a price contract in the amount of $2,934,316.40, subject to actual units purchased, for the SSA Group 2/3 Sewershed Field Activities/ Field Services – Contract 3, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hydromax USA, LLC, related to the bid. (3)

24. A Resolution accepting the bids of Dixon Electric, Inc.; Hills Electric, LLC; Davis H. Elliott Construction Co., Inc.; and Arrow Electric Co.; establishing price contracts for underground electrical service installation, for the Div. of Parks and Recreation. (4)

25. A Resolution ratifying the probationary civil service appointments of: Phillina Wingate, Telecommunicator Sr., Grade 113N, $16.643 hourly, in the Div. of Emergency Management/911, effective October 25, 2010; Christopher Peters, Maintenance Mechanic, Grade 113N, $17.446 hourly, in the Div. of Water Quality, effective September 27, 2010; Winona Embry, Payroll Analyst, Grade 115E, $1,760.96 bi-weekly, in the Div. of Human Resources, effective September 27, 2010; Robin Adams, Staff Assistant Sr., Grade 108N, $17.631 hourly, in the Div. of Revenue, effective September 27, 2010; Jennetha Murphy, Staff Assistant Sr., Grade 108N, $11.592 hourly, in the Div. of Waste Management, effective October 18, 2010; ratifying the probationary sworn appointments of: Eric Hobson, Joshua Yahr, Eric McCrickard, Police Sergeant, Grade 315N, $2,287.08 bi-weekly, in the Div. of Police, effective September 27, 2010; approving the unclassified civil service appointment of: Diane Woods, Life Skills Program Instructor, Grade 110N, $20.194 hourly, in the Div. of Family Services, effective October 18, 2010.

26. A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Blackhorse Ln., Georgetown St., Goodpaster Way, Lakewood Dr., McConnells Trace, New River Place, Orchard Grass Rd., Patchen Wilkes Dr., Pokeberry Park, Polo Club Blvd., Polo Club Ln., Rain Garden Way, Real Quiet Ln., Sand Lake Dr., Sewanee Ln., Shaker Run Circle, Sorrell Way, Sunningdale Dr., Sweet Clover Ln., and Toll Gate Rd.

27. A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in the area, which area is defined as certain properties on the following streets: Bracktown Rd., Bradley Ln., Leestown Rd., Standish Way, and Winston Ave.

28. A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Athenia Dr., Branchwood Place, Hildeen Dr., John Alden Ln., Monticello Blvd., Plymouth Rock Ct., Rebecca Dr., and Wallingford Dr.

29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with Woodall Construction Co., Inc., for the Southend Park Temporary Housing Development for the Newtown Pike Extension Project, decreasing the contract price by the sum of $50,181.91 from $834,755.83 to $784,573.92.

30. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hustonville, LLC, for a Halloween event at Jacobson Park, September 23, 2011 through October 31, 2011.

31. A Resolution authorizing the Div. of Streets, Roads and Forestry to purchase a “Mr. Manhole” replacement cutter package and repair parts, from Critex, LLC, a sole source provider, at a cost not to exceed $30,000.

32. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for operation of the National School Lunch Program at the Family Care Center and Day Treatment Center, at a cost not to exceed $1.50 for each breakfast, $2.75 for each lunch, and $0.75 for each snack.

33. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the loan of 125 Handheld Two-Way Radios form the Harris Corp., for use during the 2010 World Equestrian Games and Spotlight Lexington, at no cost to the Urban County Government.

34. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed $834,755.68.

35. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Amy Slatin, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40 for each scheduled on-call period, $230 for each completed forensic examination, $50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

36. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $67,680.

37. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Healthway Trail Project through June 30, 2011, at no cost to the Urban County Government.

38. A Resolution declaring as surplus and authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute deeds and any other necessary documents for the sale and transfer of property located at 359 E. Third St. and 950 Whitney Ave.

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

40. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Free Contracting, for the Solid Waste Facility Expansion, decreasing the contract price by the sum of $69,051.64 from $1,208,101.20 to $1,146,142.36.

41. A Resolution initiating a Zoning Ordinance text amendment to repeal Article 20 of the Zoning Ordinance related to erosion and sediment control.

42. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract for Like Kind Exchange with Big Ass Fans, Inc., for Isis Fans in exchange for admission and participation fees, in the Div. of Parks and Recreation.

43. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Professional Services Agreement with the University of Ky. Research Foundation (Resolution No. 160-2010), for Archaeological Monitoring for the Main St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, at no cost to the Urban County Government.

44. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Professional Services Agreement with the University of Ky. Research Foundation (Resolution No. 249-2010), for Archaeological Monitoring for the Main St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, at no cost to the Urban County Government.

45. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Professional Services Agreement with the University of Ky. Research Foundation, for Archaeological Monitoring for the Vine St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, at no cost to the Urban County Government.

46. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Co., for electric service, for the Limestone Streetscape Project, at a cost not to exceed $31,920.24.

47. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 12 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 $37,850.00 $6,576,501.51 to $6,614,351.51.

48. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work Agreement with VeBridge, for installation and configuration of Hyland's Enterprise Document Management System, for the Div. of Water Quality, at a cost not to exceed $53,800.

49. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bryan Station High School PTSA, Inc. ($875), NAMI Lexington, Inc. ($800), Bryan Station High School PTSA, Inc. ($500), Ky. Humanities Council, Inc. ($725), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

50. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding and a Contract Agreement with Green Roofs for Healthy Cities – North America, Inc., for provision of professional services for a Green Roof symposium, at a cost not to exceed $15,000.

51. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to transfer property and temporary construction easements to the Ky. Transportation Cabinet and to execute Certificates of Consideration and any other necessary documents for the widening of Leestown Rd. along the south side of Leestown Rd. in the vicinity of the Bracktown Rd. intersection, at no cost to the Urban County Government.

VII. COMMUNICATIONS FROM THE MAYOR

1. Recommending the appointment of Ms. Sandra Cowan to the Commission for Citizens with Disabilities, with a term to expire 1-1-2011. Ms. Cowan will fill the unexpired term of Mr. David Hartsek.

2. Recommending the reappointment of Ms. Mary Wathen to the Convention and Visitors Bureau Board of Directors, with a term to expire 9-9-2012.

3. Recommending the appointments of Mr. Timothy Davis and Mr. Gene Travers to the Explorium Board, with terms to expire 7-1-2012.

VIII. ANNOUNCEMENTS

IX. PUBLIC COMMENTS