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

February 17, 2011 – 6:00 P.M.

I. ROLL CALL

II. INVOCATION

III. COMMITTEE REPORTS

IV. ORDINANCES –SECOND READING

1. 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. 91. [**Div. of Budgeting, Barrow**]

2. An Ordinance amending Section 23-5(b) of the Code of Ordinances abolishing two (2) positions of Police Captain, and creating two (2) positions of Police Lieutenant, in the Div. of Police, and appropriating funds, pursuant to Schedule No. 92. [**Div. of Human Resources, Jarvis, BS 028-11**]

V. ORDINANCES – FIRST READING (New Business)

3. 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. 93. **[Div. of Budgeting, Barrow]**

4. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Waste Management, 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 $3,000 Commonwealth of Ky. funds, are for the disposal/recycling of waste tires, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 89, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Div. of Environmental Quality, Gooding/Taylor, BS 032-11]**

5. 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 $115,734.38 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of $115,734.38 as a local match, appropriating funds pursuant to Schedule No. 90, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Public Safety, Gooding/Mason, BS 039-11]**

6. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Central Ky. Area Drug Task Force, Hollingsworth and James, LLC, the Board of Education of Fayette County Ky., Ky. State Police, Lexington Children's Theatre, Inc., the Fayette County Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office, and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2009 Project Safe Neighborhood Program, at a cost not to exceed $3,000 for the Central Ky. Area Drug Task Force, $4,000 for Hollingsworth and James, LLC, $20,000 for the Board of Education of Fayette County Ky., $10,000 for the Ky. State Police, $7,168 for Lexington Children's Theatre, Inc., $9,500 for the Fayette County Commonwealth Attorney's Office, $8,500 for the Kenton County Commonwealth Attorney's Office, and $7,000 for the Commonwealth Attorney, 28th Judicial Circuit, and appropriating funds pursuant to Schedule No. 95. **[Div. of Community Development/Dept. of Public Safety, Gooding/Mason, BS 049-11]**

7. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $19,060 Federal funds, are for the Safe Havens and Supervised Visitation Program, the acceptance of which obligates the Urban County Government for the expenditure of $6,354 as a local match to be provided by Sunflower Kids, Inc., appropriating funds pursuant to Schedule No. 94, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for supervised visitation and monitored exchange services, at a cost not to exceed $19,060. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 051-11]**

8. An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Senior Advisor, Grade 212E, one (1) position of Sr. Administrative Aide to Mayor, Grade 120E, one (1) position of Administrative Aide to Mayor, Grade 118E and abolishing one (1) position of Staff Assistant Sr., Grade 108N and appropriating funds pursuant to Schedule No. 96. **[Div. of Human Resources, Jarvis, BS 031-11]**

VI. RESOLUTIONS – SECOND READING

1. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Ms. Christie Barbour of a Harley Davidson Edition pool table, for use at the Carver Community Center, at no cost to the Urban County Government. [**Div. of Parks and Recreation, Hancock, BS 025-11**]

2. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Settlement Agreement and Release with Julia Householder, at a cost to Julia Householder of $16,000. [**Div. of Parks and Recreation, Hancock, BS 026-11**]

3. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One, to the Contract with Charles Deweese Construction, for the Lexington Streetscape Phase One West Main St. Project, increasing the contract price by the sum of $173,106.39 from $1,757,455.36 to $1,930,561.75. [**Dept. of Public Works, Milligan, BS 029-11**]

VII. RESOLUTIONS – <u>FIRST READING (New Business)</u>

4. A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for seismic acoustic listening devices and accessories, for the Div. of Fire and Emergency Services. **[Hendricks]** (1 Bid)

5. A Resolution accepting the bid of Madrax d/b/a Trilary, Inc., establishing a price contract for trail bollards, for the Div. of Parks and Recreation. **[Hancock]** (3 Bids)

6. A Resolution accepting the bids of Aulick Chemical Solutions, Inc., and ChemTreat, Inc., establishing price contracts for manhole odor control chemical and containment delivery system, for the Div. of Water Quality. **[Martin]** (2 Bids)

7. A Resolution accepting the bid of Gooch Construction, Inc., in the amount of $82,970, for Trinity Rd. Stormwater Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Gooch Construction, Inc., related to the bid. **[Martin]** (14 Bids)

8. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with CDP Engineers, Inc., for the Clays Mill Rd. Improvement Project, increasing the contract price by the sum of $56,027 from $1,011,700 to $1,067,727. **[Div. of Community Development, Gooding, BS 034-11]**

9. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to the New Chance Program Funding Agreement with the Ky. Cabinet for Health and Family Services to correct language in the original agreement and remove references to services no longer provided by the Family Care Center. **[Div. of Community Development, Gooding, BS 035-11]**

10. 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, Office on Violence Against Women and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the

amount of $400,000 Federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and are for continuation of a project designed to hold offenders of domestic violence accountable for their actions through investigation, arrest and prosecution, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with all community partners of the project, for comprehensive participation required for the project and the Grant application. **[Div. of Community Development/Dept. of Public Safety, Gooding/Mason, BS 036-11]**

11. 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 $13,600 Federal funds from the Fire Prevention and Safety Grant Program, and are for a mobile home fire safety improvement program. **[Div. of Community Development/Dept. of Public Safety, Gooding/Mason, BS 037-11]**

12. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to Agreement with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreement for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2008 through June 30, 2011, at no cost to the Urban County Government. **[Div. of Community Development/Dept. of Public Safety, Gooding/Mason, BS 038-11]**

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Shandon-Cabot Stormwater Project, at a cost not to exceed $1,200,000. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 041-11]**

14. A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute Change Order No. Two to the Contract with Sherman-Carter-Barnhart Architects, PSC, for Meadows/Northland/Arlington Public Improvements Design Phase 5A, increasing the contract price by the sum of $46,500.00 from $188,271.18 to $234,771.18. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 042-11]**

15. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Clays Mill Rd. Section 2C Project, at a cost not to exceed $225,000. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 053-11]**

16. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $75,200 Federal funds, and are for the Brighton Rail Trail Phase 4. **PUBLIC MEETING [Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 062-11]**

17. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Citizen's Fire Academy Alumni Association ($90), First Bracktown, Inc. ($500), for the Office of the Urban County Council, at a cost not to exceed the sums stated. **[Council Office, Langston]**

18. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the contract with IPS Baler, Inc., for the Materials Recovery Facility for the baler project, increasing the contract price by the sum of $28,000.00 from $33,233.20 to $61,233.20. **[Dept. of Environmental Quality, Taylor, BS 030-11]**

19. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with Machinex Technologies, Inc., for modifications at the Municipal Recycling Center, decreasing the contract price by the sum of $127,743.49 from $3,861,910.00 to $3,734,166.51. **[Dept. of Environmental Quality, Taylor, BS 033-11]**

20. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Lexington Legends, for public education events and activities, at a cost not to exceed $29,500. **[Dept. of Environmental Quality, Taylor, BS 046-11]**

21. A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Chris Dove, Electrician, Grade 114N, $21.356 hourly, in the Div. of Water Quality, and authorizing the beginning of the classified civil service probationary period upon successful completion of a physical or medical examination as required, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following: Benjamin Bates, Public Service Worker, Grade 106N, $12.279 hourly, Joseph Lyons, Public Service Worker, Grade 106N, $12.181 hourly, Larry Craig, Public Service Worker, Grade 106N, $11.150 hourly, Troy Dansby, Public Service Worker, Grade 106N, $12.279 hourly, Louis Dansby, Public Service Worker, Grade 106N, $12.279 hourly, in the Div. of Waste Management and authorizing the beginning employment upon successful completion of a physical or medical examination as required, effective upon passage of Council. **[Div. of Human Resources, Jarvis]**

22. A Resolution ratifying the permanent civil service appointments of: Gary James, Ernie Young, Equipment Operator Sr., Grade 109N, in

the Div. of Waste Management, effective December 27, 2010, Clarence Steele, Operations Manager, Grade 116E, in the Div. of Waste Management, effective January 18, 2011, Manwell Benton, Thomas Gerton, Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, effective January 18, 2011, Marcus Ashford, Public Service Supervisor, Grade 111N, in the Div. of Waste Management, effective January 19, 2011; ratifying the probationary sworn appointments of: Christopher Sweat, Fire Major, Grade 318E, $3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective January 3, 2011, Tim Morrow, Robert Powe, Jason Walton, Fire Captain, Grade 316N, $23.039 hourly, in the Div. of Fire and Emergency Services, effective January 3, 2011, Daniel Case, Marc Bramlage, James Moore, Andrew Short, Kevin Austin, Christopher Burke, Jeffrey Johnson, Mark Blythe, Christopher Conley, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective January 3, 2011, Jonathan Bastian, Police Sergeant, Grade 315N, $28.588 hourly, in the Div. of Police, effective March 7, 2011; ratifying leave of absence for: Darrell Morbley, Public Service Worker, Grade 106N, Div. of Waste Management, requests ninety (90) days Council approved leave without pay, to return to duty March 1, 2011; ratifying the unclassified civil service appointment of: Kevin Atkins, Sr. Advisor, Grade 212E, $4,615.38 bi-weekly, in the Office of the Mayor, effective January 24, 2011; ratifying the unclassified civil service appointment to the Office of the Urban County Council of: Jessica Gies, Aide to Council, Grade 000E, $2,057.69 bi-weekly, in the Council Office, effective January 31, 2011; ratifying the unclassified civil service pay increase in the Office of the Urban County Council of: Georgetta Gill, Aide to Council, Grade 000E, increase from $2,012.56 bi-weekly to $2,057.69 bi-weekly, effective January 11, 2011. **[Div. of Human Resources, Jarvis]**

23. A Resolution approving the granting of an Inducement to Allconnect, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Allconnect, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any agreement Allconnect, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action. **[Office of the Mayor, Atkins, BS 063-11]**

24. A Resolution initiating Zoning Ordinance text amendments to Article 15-4 regulating the height of fencing and the construction of fencing abutting public property. **[Div. of Planning, King]**

25. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Lexington Mounted Police of flooring materials, for use at the Mounted Unit's Arena, at no cost to the Urban County Government. **[Div. of Police, Bastin, BS 048-11]**

26. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One, Vine St. Project, increasing the contract price by the sum of $124,158.01 from $1,639,925.81 to $1,764,083.82. **[Dept. of Public Works & Development, Milligan, BS 047-11]**

27. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Clinical/Practical Education Agreement with Eastern Ky. University, for Occupational Therapy Students to work as interns at the Lexington Senior Center, at no cost to the Urban County Government. **[Dept. of Social Services, Mills, BS 050-11]**

28. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for property interests needed for the Anniston/Wickland Stormwater Improvements Project, at a cost not to exceed $550,000. **[Div. of Water Quality, Martin, BS 043-11]**

29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents and to accept Deeds for property interests needed for the Wolf Run Pump Station Expansion and Relocation Project, at a cost not to exceed $263,665.10. **[Div. of Water Quality, Martin, BS 045-11]**

30. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Triplett Striping, Inc., for the Town Branch Waste Water Treatment Plant, Pump Station Pump Replacement Project, increasing the contract price by the sum of $45,518.59 from $686,412.00 to $731,930.59. **[Div. of Water Quality, Martin, BS 052-11]**

VIII. COMMUNICATIONS FROM THE MAYOR

1. Recommending the reappointments of Chief Ronnie Bastin and Mr. Robert Sarrantonio, as Ex-Officio members, to the Bluegrass Crimestoppers, Inc. Board.

   Also, recommending the appointments of Mr. Jeremy Bates, Mr. Jerome Cerel, Mr. Paul Grant, Mr. Michael Johnson, Mr. John Kirkland, Mr. William Poteat, and Mr. Ronald Watson to the Bluegrass Crimestoppers, Inc., Board, with terms to expire 3-21-15.

2. Recommending the appointment of Mr. Ronald Jackson to the Board of Architectural Review, with a term to expire 6-30-15.

3. Recommending the appointment of Ms. Lucy Anne Pett to the Carnegie Literacy Center Board of Directors, with a term to expire 10-18-11. Ms. Pett will fill the unexpired term of Ms. Kelly Flood.

4. Recommending the reappointment of Mr. Richard Curtis to the Citizen Corps Council, with a term to expire 12-31-13.

   Also, recommending the appointment of Mr. Timothy Melton to the Citizen Corps Council, with a term to expire 12-31-13.

5. Recommending the reappointments of Mr. Bruce C. Burris, Ms. Sandra L. Cowan, Mr. Jacob L. Karnes, Jr., and Mrs. Peggy Henson, to the Commission for Citizens with Disabilities, with terms to expire 1-1-15.

   Also, recommending the appointment of Mr. Roger H. Daman to the Commission for Citizens with Disabilities, with a term to expire 1-1-15.

6. Recommending the appointment of Mr. Kenneth B. Cooke to the Greenspace Commission, with a term to expire 7-18-15.

7. Recommending the appointment of Mr. Gaston T. Ngandu-Sankayi to the Human Rights Commission, with a term to expire 1-1-14. Mr. Ngandu-Sankayi will fill the unexpired term of Rabbi Marc Kline.

8. Recommending the appointment of Mr. Jonathan E. Nieman to the Infrastructure Hearing Board, with a term to expire 2-1-14.

9. Recommending the appointment of Mr. Fred V. Brown, as Council-appointed audit professional, to the Internal Audit Board, with a term to expire 12-1-15.

10. Recommending the reappointment of Vice Mayor Linda Gorton, as Ex-Officio member, to the Sister Cities Program Commission.

    Also, recommending the appointment of Ms. Lori Houlihan, as Ex-Officio member, to the Sister Cities Program Commission.

11. Recommending the reappointment of Mr. William P. Enright, as Ex-Officio member, to the Special Events Commission.

    Also, recommending the appointments of Mr. Henry G. Hester and Mr. Jerry E. Hancock to the Special Events Commission, with terms to expire 6-1-15.

12. Recommending the appointment of Mr. David E. Leonard, as Ex-Officio member, to the Tree Board.

IX. COMMUNICATION FROM THE MAYOR (FOR INFORMATION ONLY)

1. Reinstatement of John Cox, Community Corrections Officer, Grade 110N, $14.440 hourly, in the Div. of Community Corrections, effective February 28, 2011.

X. ANNOUNCEMENTS

XI. PUBLIC COMMENTS