Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 7, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 7, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Farmer, Ford, and Gorton.

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

Ordinances No. 67-2011 thru 84-2011 inclusive and Resolutions No. 247-2011 thru 271-2011 inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Nancy Jo Kemper, New Union Church, Midway.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the minutes of the April 12, 14, and 28, 2011 Council Meetings were approved by unanimous vote.

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Ms. Gorton reported that the Committee of the Whole Work Session met on July 5, 2011.

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The Mayor asked Ms. Janet Graham, Commissioner of the Dept. of Law, to update the Council on the budget process. Ms. Graham gave a status report on the current operational process, and explained how the veto override process worked.

Mr. Farmer spoke about the process and asked a question of Ms. Graham.

Mr. Stinnett asked questions of Ms. Graham and Ms. Jane Driskell, Commissioner of the Dept. of Finance.

Mr. Stinnett made a motion, seconded by Mr. McChord, to override the Mayor's veto in the FY 2012 Budget of the ten percent cut across the board for every outside agency.

The Council discussed the motion and asked questions of Ms. Driskell, Ms. Graham, and the Mayor regarding the motion.

Mr. McChord spoke to the motion and asked questions of Ms. Gorton and the Mayor regarding outside agencies that were proposing to give raises to their employees with FY 2012 Budget funding.

The Mayor asked Ms. Driskell to share with the Council the history of social service agencies budget amounts and distributions. Ms. Driskell reported on budget reductions for the past couple of years in social service agencies.

Mr. Myers asked questions of Ms. Driskell, and Ms. Beth Mills, Commissioner of the Dept. of Social Services, about which agencies requested employee pay raises within the FY 2012 budget requests. Ms. Mills responded. Ms. Driskell also responded to Mr. Myers question. Mr. Myers made additional comments about the motion.

The Council continued to discuss the motion, and to ask questions of the Mayor.

The Mayor made additional comments regarding the motion.

Ms. Gorton made a motion, seconded by Mr. McChord, and approved by unanimous vote, to call the question.

Mr. Stinnett's motion **failed** by a majority vote of 4-11 (Beard, Myers, Martin, Lawless, Henson, Gorton, Ford, Farmer, Ellinger, Crosbie and Blues voted **no**).

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Mr. Farmer asked a question of the Mayor and Ms. Janet Graham. Commissioner of the Dept. of Law, regarding changes in employee health insurance and changes in the collective bargaining agreements.

The Mayor responded that a presentation was planned for the July 12, 2011 Council Meeting regarding the employee health insurance.

Ms. Graham responded to the question regarding collective bargaining.

Mr. Myers asked Ms. Graham when the Council could expect a closed session for discussion of collective bargaining issues. Ms. Graham stated that she was not ready to provide any updates due to ongoing concerns.

The Mayor thanked all the Council Members for their involvement and support with the FY 2012 budget process.

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

Aye: Henson, Kay, Lane, Lawless, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Crosbie, Ellinger, Farmer, Ford, Gorton-----------15

Nay: ---0

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 $10,080 Commonwealth of Ky. funds, are for the renovation of the Dunbar Community Center kitchen, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2012 Schedule No. 14, 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 a Memorandum of Agreement with the Ky. Justice and Public Safety Cabinet, for the acceptance of additional Federal funds for the Ticketing Aggressive Cars and Trucks Program in the amount of $25,000, the acceptance of which obligates the Urban County Government for the expenditure of $6,250 as a local match, and appropriating funds pursuant to Schedule No. 127.

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 $348,000 Federal funds, are for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of $87,000 as a local match, appropriating funds pursuant to FY2012 Schedule No. 13, 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 a Change Order to the Contract with RRT Design and Construction, for additional engineering and design services, for the Materials Recovery Facility, increasing the contract price by the sum of $70,675 from $1,382,345 to $1,453,020 and appropriating funds pursuant to Schedule No. 128.

An Ordinance amending Sections 2-189 through 2-197 of the Code of Ordinances changing the name of the Commission on Community Services for Older Persons to "Senior Services Commission."

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, an Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Professional Office (P-1) zone for 2.70 net (3.43 gross) acres; and from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 2.31 net (2.69 gross) acres, with a conditional use permit and a dimensional variance, for property located at 119, 124, and 125 Louie Place (Dennis Anderson Inv. 1700, LLC) was placed on the docket without a public hearing.

The ordinance was given first reading and ordered placed on file until July 12, 2011 for public inspection.

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An Ordinance pursuant to Section 3.02(10) of the Charter of the Lexington-Fayette Urban County Government amending Section 21-5(2) of the Code of Ordinances abolishing three (3) positions of Assistant Director Community Corrections, Grade 119E, and creating one (1) position of Community Corrections Captain, Grade 115E; accepting the voluntary demotions of one (1) employee holding the position of Assistant Director Community Corrections to Community Corrections Captain; expressing an intent to create the special duty assignment of Bureau Director; providing that pursuant to Section 21-53 of the Code of Ordinances that employees appointed to special duty assignments serve at the pleasure of the Director of Community Corrections and providing that those employees appointed to a special duty assignment shall receive a leave of absence from their permanent rank for and during the incumbency of any special duty assignment; and providing that employees appointed to the special duty assignment of Bureau Director shall receive a stipend of $800 per pay period; effective July 1, 2011 was on the docket for first reading.

Ms. Lawless made a motion, seconded by Ms. Crosbie, to table the ordinance until September 1, 2011.

The motion **failed** by a majority vote of 7-8 (Stinnett, Myers, McChord, Lane, Henson, Gorton, Ford, and Blues voted **no**).

The ordinance was given first reading.

Mr. Martin asked that additional information on the ordinance be provided before it received second reading. The Mayor stated that he would arrange for the information to be provided.

Ms. Crosbie also asked that additional information on the ordinance be provided before it received second reading.

Mr. Myers asked if the passage of the ordinance would affect any employees under collective bargaining. Ms Leslie Jarvis, Acting Director, Div. of Human Resources, responded to the question.

Mr. Myers made a motion, seconded by Mr. Farmer, to reconsider the vote to table the ordinance.

Ms. Gorton asked for a point of order, and stated that the motion and second had to have been on the prevailing side of the previous vote.

Mr. Farmer withdrew his second.

Mr. Myers' motion failed for lack of a second.

Mr. Lane spoke about the ordinance and asked a question of Mr. Clay Mason, Commissioner of the Dept. of Public Safety. Mr. Mason responded.

The Council continued to discuss the ordinance.

Ms. Crosbie stated her concern that the issue was currently being considered in committee, and that the committee needed time to finish their work. She asked a question of Mr. Mason and Ms. Jarvis.

Mr. Lane stated his concerns and the need for a memorandum explaining in detail.

Mr. Stinnett asked a question about the cost-neutrality of the changes in the ordinance. Mr. Mason responded. He stated his concern about the ordinance, and the issue in committee.

Ms. Lawless made additional comments about the issue.

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The following ordinances were given first reading and ordered placed on file until July 12, 2011 for public inspection.

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. 21.

An Ordinance closing portions of Goodloe and Ann Sts.; determining that all property owners abutting portions of the streets to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance closing a portion of Southeastern Ave.; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing;

and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Research Analyst, Grade 118E and two (2) positions of Council Administrative Specialist, Grade 115E, abolishing three (3) positions of Staff to Council II, Grade 000E, and transferring the incumbents, in the Office of the Urban County Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Information Officer, Grade 113E, in the Div. of Government Communications and creating one (1) position of Information Officer, Grade 113E, in the Div. of Emergency Management/911 and transferring the incumbent; effective July 1, 2011.

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A Resolution approving the granting of an inducement to Transposagen Biopharmaceuticals, 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 one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Transposagen Biopharmaceuticals, 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 Transposagen Biopharmaceuticals, Inc. has with the Ky. Economic Development Finance Authority and the Urban County Government related to the project; and taking other related action was given second reading.

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

Aye: Henson, Kay, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Farmer, Ford, Gorton-----------------14

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

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

Aye: Henson, Kay, Lane, Lawless, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Crosbie, Ellinger, Farmer, Ford, Gorton---------15

Nay: --0

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of $787,999.10, for the Meadows-Northland-Arlington Neighborhood Improvements Project Phase 3D, for the Div. of Community Development, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Claunch Construction, LLC, related to the bid.

A Resolution accepting the bid of C & R Asphalt, establishing a unit price contract for crack sealing in the amount of $1.15 per pound, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of American Pavements, Inc., establishing a unit price contract for asphalt emulsion slurry seal in the amount of $2.18 per square yard, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Pavement Technology, Inc., establishing a unit price contract for asphalt surface maintenance with an asphalt rejuvenating agent in the amount of $0.74 per square yard, for the Div. of Streets, Roads and Forestry.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept the proposal from Securus Technologies, for provision of offender telephone service at the Detention Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Adopt-a-Spot Program Agreements with Lexington Swingers Golf Club, Inc. ($1,616), Alpha Kappa ($1,023.12) and Alpha Kappa Alpha - Eta Rho Chapter ($636.12) for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed $3,275.24.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 14 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 $2,088,076 from $6,856,315.51 to $8,944,391.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement for Cost Sharing for the Central Ky. E-911 Network, with Jessamine County, Woodford County and additional jurisdictions approved by Lexington-Fayette Urban County Government's E-911 Board, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Emergency Management/911 to obtain professional services related to the acquisition of a new public safety radio system from RCC Consultants, Inc., a sole source provider, at a cost not to exceed $100,000.00, and authorizing the Mayor to execute any necessary documents.

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 the Mayor, on behalf of the Urban County Government, to execute a Contract for Services with Group CJ of Lexington, Ky., for stormwater public outreach and education, for the Div. of Environmental Policy, at a cost not to exceed $209,000.

A Resolution ratifying the probationary civil service appointment of: Brian Reynolds, Environmental Inspector, Grade 113N, $17.132 hourly, in the Div. of Water Quality, effective June 27, 2011; ratifying the probationary sworn appointment of: Matthew Brotherton, Police Sergeant, Grade 315N, $28.588 hourly, in the Div. of Police, effective May 23, 2011; ratifying the permanent civil service appointment of: Pamela Proctor, Accountant, Grade 113E, in the Div. of Accounting, effective June 13, 2011.

A Resolution approving the granting of an inducement to Specialty Vehicle Acquisition Corp. (SVAC d/b/a ASC), 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 one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by ASC 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 ASC has with the Ky. Economic Development Finance Authority and the Urban County Government related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Lockheed Martin Corporation, 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 one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Lockheed Martin Corporation 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 Lockheed Martin Corporation has with the Ky. Economic Development Finance Authority and the Urban County Government related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Neogen Corporation, 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 one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Neogen Corporation 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 Neogen Corporation has with the Ky. Economic Development Finance Authority and the Urban County Government related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Tempur-Pedic International, 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 one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Tempur-Pedic International 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 Tempur-Pedic International has with the Ky. Economic Development Finance Authority and the Urban County Government related to the project; and taking other related action.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball leagues, for use of baseball fields.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Citizen's Police Academy Alumni Association (CPAAA) of various items and $660 for the Junior Citizen Police Academy Program and $350 for supplies to the Bureau of Patrol, Div. of Police.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an ACH Credit Authorization with Open Portal Solutions, Inc., for credit deposits.

A Resolution promoting open and transparent government and open data and directing the Lexington-Fayette Urban County Government to: develop agreements with regional partners to publish and maintain public data sets that are open and freely available; develop a strategy to adopt prevailing open standards for data; documents, maps and other formats of media; and organize regional contest(s) to encourage the development of software applications to collect, organize and share public data.

A Resolution amending Section 1.102 of the Council Rules revising the job responsibilities and supervision of the Council Administrator to include serving as Budget Analyst and responsibility for training Councilmembers, Council aides and core staff; providing that the term of appointment for the core staff shall be for four years with the initial term ending on December 31, 2014 and specifying that Council aides shall perform only government-related work.

A Resolution approving the job descriptions for the positions of Research Analyst, Grade 118E and Council Administrative Specialist, Grade 115E for the Urban County Council Office.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the University of Ky. Research

Foundation, for water quality sampling and analysis in the West Hickman Watershed, at a cost not to exceed $57,923.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution changing the street name and property address number of 3473 Yorkshire Medical Park to 3445 Richmond Road was placed on the docket.

Ms. Crosbie gave a brief explanation of why the resolution was needed, and the history of the address change.

The resolution was given first reading.

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

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

Aye: Henson, Kay, Lane, Lawless, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Crosbie, Ellinger, Farmer, Ford, Gorton--------15

Nay: --0

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Upon motion of Ms. Lawless, seconded by Mr. Blues, and approved by unanimous vote, a Resolution establishing a Residential Parking Permit Program for the 700 block of Tremont Ave., from 9:00 a.m. to 4:00 p.m., Monday through Friday; and waiving the provisions relating to the mechanics of designating Residential Parking Permit Areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006 was placed on the docket and given first reading.

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

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

Aye: Henson, Kay, Lane, Lawless, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Crosbie, Ellinger, Farmer, Ford, Gorton--------15

Nay: --0

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A Resolution accepting the bid of Hayden Construction, in the amount of $32,800, for the Warfield Place Entrance Wall, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Hayden Construction related to the bid was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the amount of the bid was amended from $32,800 to $48,859.

A Resolution accepting the bid of Hayden Construction, in the amount of $48,859, for the Warfield Place Entrance Wall, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Hayden Construction related to the bid was given first reading as amended and ordered placed on file until July 12, 2011 for public inspection.

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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 2012, at a cost not to exceed $166,960 was on the docket for first reading.

Ms. Gorton asked a question about the amount in the resolution, and whether it reflected the FY 2012 Adopted Budget with the Mayor's veto in place. Mr. David Barberie, Dept. of Law, stated that the correct amount was $150,260, and that he had obtained that figure from the Div. of Budgeting.

Ms. Susan Lamb, Clerk of the Urban County Council, stated that because the resolution had not received first reading, it could be corrected and then read.

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 2012, at a cost not to exceed $150,260 was given first reading as corrected, and ordered placed on file until July 12, 2011 for public inspection.

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The following resolutions were given first reading and ordered placed on file until July 12, 2011 for public inspection.

A Resolution accepting the bids of Clarke Power Services; NAPA Auto Parts; Republic Diesel; Bluegrass International; Power Train of Ky.; Vehicle Maintenance Program; Gillie Hyde Ford-Lincoln-Chrysler-Dodge-Jeep; Mighty Auto Parts of the

Bluegrass; Worldwide Equipment; KOI Auto Parts; Truck Pro, Inc.; Fleet Pride; and General Parts Distribution, LLC d/b/a Carquest Auto Parts, establishing price contracts for vehicle filters, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of John Kinder Electric, establishing a price contract for sanitary sewer pump stations resistance testing and correction, for the Div. of Water Quality.

A Resolution accepting the bid of Leak Eliminators, LLC, establishing a price contract for sanitary sewer system rehabilitation, for the Div. of Water Quality and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Leak Eliminators, LLC, related to the bid.

A Resolution of the Lexington-Fayette Urban County Council requesting that the Ky. Economic Development Finance Authority issue Revenue Bonds in an amount of up to $336,000,000, the proceeds of which will be loaned to Catholic Health Initiatives, Inc., to provide financing for all or a part of the costs of the acquisition, construction, installation and equipping of capital projects for health care facilities and related improvements and expenditures.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Russell Cave Church of Christ, Inc. ($500), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for the Lexington Distillery District Improvements Program Feasibility Study, for streetscape improvements and the Town Branch Trail along the corridor from Oliver Lewis Way to South Forbes Rd., at a cost not to exceed $418,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Mountjoy Chilton Medley LLP, for preparation of the Sheriff’s Settlement for the 2010 Property Tax Year, at a cost not to exceed $12,240.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the ad valorem Urban Service District Taxes for the 2011 property tax year, at a cost not to exceed $350,000, with payment net from collections.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Dr. Patricia K. Howard, retaining her to act as the Emergency Services Training Coordinator for the Div. of Fire and Emergency Services and to provide related services for one (1) year, with the option of renewing annually up to five (5) times, at an annual cost not to exceed $12,050 with an additional annual cost not to exceed $11,450 for each year a Paramedic Training Program is conducted.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Woodall Construction Co., Inc., for the construction of Clays Mill Rd. Improvements Project, Section 2A, increasing the contract price by the sum of $41,964.42 from $3,569,321.10 to $3,611,285.52.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of $18,970 Commonwealth of Ky. funds, are for the purchase of 20 dumpsters for placement at schools that produce large quantities of recyclable materials, the acceptance of which obligates the Urban County Government for the expenditure of $4,742.50 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. Two (2) to the Professional Services Agreement with M2D Design Group for design of the Isaac Murphy Memorial Art Garden Trail Head, increasing the contract price by the sum of $7,500 from $30,101 to $37,601.

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 the Tates Creek Rd. Sidewalk Improvements Project to amend the project budget to provide for an increase in the design costs and for right of way acquisition, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. One (1) to the Engineering Services Agreement with BTM Engineering, Inc., for the Tates Creek Rd. Sidewalk Improvements Project, increasing the contract price by the sum of $9,500 from $118,478 to $127,978.

A Resolution 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, and are for disposal or recycling of waste tires, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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, 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 $308,854 Federal funds under the Edward Byrne Memorial Justice Assistance Grant Program, are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution 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 $50,000 Federal funds, are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of $16,667 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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 $77,639 Federal funds, and are for the Project Safe Neighborhoods Program, for the U.S. Attorney's Office for the Eastern District of Ky.

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 $2,100 Federal funds, and are for the purchase of bulletproof vests for the Fayette County Sheriff's Office.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Dive 911, for public safety dive team training for the Div. of Fire and Emergency Services, at a cost not to exceed $26,300.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two Grant Applications to the Ky. Dept. of Education, to provide any additional information requested in connection with these Grant Applications, and to accept these Grants if the applications are approved, which Grant funds are in the amount of $125,240 Federal funds, and are for the Child Care Food Program ($79,040) and the National School Lunch Program ($46,200) at the Family Care Center and the Day Treatment Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor to execute a Memorandum of Understanding with Fayette County Public Schools, for operation of the programs, at a cost not to exceed $2.50 for each breakfast and $4.00 for each lunch at the Day Treatment Center and $2.00 for each breakfast, $3.50 for each lunch and $1.50 for each snack at the Family Care Center.

A Resolution ratifying the probationary civil service appointments of: George Cummins, Equipment Operator Sr., Grade 109N, $14.836 hourly, in the Div. of Waste Management, effective July 18, 2011, Wanda Wallen, Equipment Operator Sr., Grade 109N, $18.851 hourly, in the Div. of Water Quality, effective July 11, 2011; ratifying the permanent civil service appointments of: Jessica Williams, Budget Analyst, Grade 115E, in the Div. of Budgeting, effective June 6, 2011, Nicole Arnett, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective June 13, 2011, Johnas Newsome, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective June 13, 2011; ratifying the unclassified civil service appointment of: Phillip Burbage, Staff Assistant Sr., Grade 108N, $12.500 hourly, in the Div. of Water Quality, effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement and Agreement, releasing a portion of a sanitary sewer easement on property located at 539 W. New Circle Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 3221 Linville Ln.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for the use of the Henry Clay Track, at a cost not to exceed $78.60.

A Resolution authorizing the Div. of Police, on behalf of the Urban County Government, to use Man-O-War Harley Davidson as a sole source provider for maintenance and repair of Division motorcycles.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 3432 Crimson King Ct., for the Crimson King/ Coldstream Stormwater Improvement Project, and authorizing payment in the amount of $200,000, plus usual and appropriate closing costs.

A Resolution accepting the extension of the time of completion of the SSA Group 2/3 Sewershed Field Activities - Raising Manholes - Contract 4 to March, 2012 at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with HDR Engineering, Inc., for the Wolf Run Pump Station Expansion, increasing the contract price by the sum of $66,500 from $368,550 to $435,050.

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Ms. Gorton made a motion, seconded by Mr. Kay, and **passed** by a majority vote of 8-7 (Stinnett, Myers, Lawless, Gorton, Farmer, Ellinger, and Crosbie voted **no**), to place on the docket a Resolution establishing the procedure for approval of Collective Bargaining Agreements by the Lexington-Fayette Urban County Council.

Ms. Crosbie asked if it would be appropriate for individuals involved with the collective bargaining units to be heard by the Council at that time.

The Mayor stated that it would be appropriate.

Ms. Kathy Stein, State Senator, and Mr. Mike Sweeney, President, Fraternal Order of Police, spoke against the proposed Resolution establishing a procedure for approval of collective bargaining agreements by the Council.

The Council discussed the issue and asked questions of Senator Stein and Mr. Sweeney.

Mr. Lane spoke to the issue and asked a question of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding the Council's role in the collective bargaining process. Ms. Graham responded.

The Council continued to discuss the issue and to ask questions of Senator Stein and Ms. Graham.

Mr. McChord asked a question of the Mayor regarding the collective bargaining process. The Mayor responded.

The Council continued to discuss the issue and to ask questions of Senator Stein, Mr. Sweeney and Ms. Graham.

The Mayor spoke about the issue.

The resolution was given first reading and ordered placed on file until July 12, 2011 for public inspection.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Beard, and approved by unanimous vote, a Resolution amending Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, amending Section 2.102 by renaming and restructuring Council standing committees and providing that the Economic Development Committee shall meet quarterly as the Committee of the Whole; amending Section 2.105 by removing the Committee of the Whole Work Session; amending Section 2.202 by providing that standing committees shall meet monthly; amending Section 2.204 by amending the procedure for referring matters to committee and making reports; amending Section 3.103 by providing the procedure for the introduction of bills; amending Section 4.102 by providing that the schedule of meetings shall be adopted annually by resolution and amending the order of business for regular public meetings; and amending Section 4.104 by providing for a work session of the Urban County Council, providing for the order of business and procedures for the work session; effective September 12, 2011 was placed on the docket, given first reading, and ordered placed on file until July 12, 2011 for public inspection.

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Mr. Martin asked that in the future additional information be provided regarding legislative items which affect the budget. The Mayor responded that his staff could discuss options.

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Upon motion of Mr. Farmer, seconded by Ms. Gorton, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointments of Ms. Carolyn Looff and Ms. Cameron Shoaf to the CASA Board, with terms to expire 6-11-2013. Also, recommending the appointment of Ms. Elizabeth McCarty to the CASA Board with a term to expire 6-11-2013; (2) Recommending the reappointment of Ms. Rashmi Adi-Brown to the Domestic Violence Prevention Board, with a term to expire 1-1-2015; (3) Recommending the appointments of Mr. Christopher Dent and Mr. Clive Pohl to the Environmental Commission, with terms to expire 10-1-2014; (4) Recommending the reappointment of Ms. Jennifer Scott, as Professional Women's Forum representative, to the Ethics Commission, with a term to expire 3-1-2015; (5) Recommending the appointment of Mr. Joe B. Hall to the Lexington Center Corporation Board of Directors, with a term to expire 2-28-2014. Mr. David Whitehouse is no longer serving on the Board; (6) Recommending the reappointment of Vice-Mayor Linda Gorton, as Councilmember At-Large representative, to the Parks and Recreation Advisory Board, with a term to expire 12-31-2014; (7) Recommending the appointment of Ms. Sharon Reed to the Picnic with the Pops Commission, with a term to expire 7-1-2015; (8) Recommending the appointment of Mr. Don Robinson, as Fayette County Farm Bureau representative, to the Rural Land Management Board, with a term to expire 4-1-2015; and (9) Recommending the reappointment of Mr. Charles Milward to the Urban County Arts Review Board, with a term to expire 6-6-2015.

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The following Communications from the Mayor were received for information only: (1) Resignation of Kenneth Robinson, Jr., Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 28, 2011; (2) Resignation of Yetivia Wattenberger, Community Corrections Officer, Grade 110N, in the Div. of

Community Corrections, effective June 12, 2011; (3) Resignation of Charles Fink, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 27, 2011; (4) Resignation of Joe N. Clark, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 31, 2011; (5) Resignation of Aaron Wagner, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 23, 2011; (6) Resignation of Kirk Hoffman, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 11, 2011; (7) Resignation of Jason C. Payton, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 13, 2011; (8) Resignation of Diana Caldwell, Social Worker Sr., Grade 113E, in the Dept. of Social Services, effective June 1, 2011; (9) Resignation of Terry Clark, Engineering Technician Sr., Grade 113E, in the Div. of Water Quality, effective June 2, 2011; (10) Resignation of Johnny Martinez, Recreation Manager, Grade 114E, in the Div. of Government Communications, effective June 17, 2011; (11) Resignation of Brandon Dunstan, Graphic Designer, Grade 112N, in the Div. of Government Communications, effective May 27, 2011; (12) Resignation of Andrea James, Aide to Council, Grade 000E, in the Council Office, effective May 31, 2011; (13) Resignation of Piedad Sepulveda, Child Care Program Aide, Grade 107N, in the Div. of Family Services, effective June 10, 2011; (14) Resignation of Mary C. King, Victim's Advocate, Grade 112N, in the Div. of Police, effective May 25, 2011; (15) Resignation of Michael K. Adams, Electrical Instrumentation Tech, Grade 113N, in the Div. of Waste Management, effective May 20, 2011; (16) Resignation of Jennifer Mossotti, Sr. Administrative Aide to Mayor, Grade 120E, in the Office of the Mayor, effective May 8, 2011; (17) Resignation of Pryce Chaney, Public Service Worker Sr., Grade 107N, in the Div. of Parks and Recreation, effective June 9, 2011; (18) Resignation of Glenn Vanzant, Public Service Worker, Grade 106N, in the Div. of Waste Management, effective May 15, 2011; and (19) Heather D. Catt, Police Officer, Grade 311N, in the Div. of Police, effective May 19, 2011.

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Mr. Stinnett asked a question of Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, regarding the flooding that was taking place. Ms. Taylor reminded the public of the procedure for reporting flooding incidents through LexCall.

Mr. Stinnett also asked a question of Ms. Taylor regarding street lights. She responded.

Mr. Stinnett thanked Ms. Lori Houlihan, Mayor's Office, and others for their support of the NASCAR Parade that took place in downtown Lexington on July 6, 2011.

* * *

The Mayor thanked everyone for their help with the July 4^{th} festivities, in particular Ms. Houlihan.

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Commander Dwayne Holman, Div. of Police, stated that Detective William R. Persley had committed the offense of Unsatisfactory Performance in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.11 in that on the 21^{st} day of November, 2008, he at approximately 1732 hours, responded to a reported robbery at National City Bank, 301 E. Main St., along with on duty Patrol units. Detective Persley participated in the immediately ensuing investigation and was assigned the case for follow up. While conducting this investigation, he: failed to accurately describe and formally document his actions regarding a lineup presentation to bank tellers; failed to initiate/document efforts to eliminate another named and identified suspect; failed to formally document and link his investigative actions in a companion case. His sworn oral testimony during a preliminary hearing on 3/13/2009 differed significantly from his written documentation in areas material to the probable cause for the search warrant and arrest warrant obtained for the indicated offender, and that the appropriate punishment for this offense is Eighty (80) Hours Suspension Without Pay.

Upon motion of Ms. Crosbie, seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

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Commander Dwayne Holman, Div. of Police, stated that Officer Christopher Mason had committed the offense of Misconduct in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 6^{th} day of May, 2011, he assisted another officer who had initiated a traffic stop on a speeding motorist. While the primary officer began a consensual search of the subject's vehicle, Officer Mason independently took investigative and enforcement action against the operator by attempting field sobriety tests, handcuffing and detaining that motorist in his patrol vehicle. The primary officer took issue with the actions of Officer Mason and a verbal disagreement escalated into a minor physical altercation on the roadside in the presence of the passengers in the subject vehicle, and that the appropriate punishment for this offense is Twenty (20) Hours Suspension Without Pay and Mandatory Employee Assistance Program.

Upon motion of Mr. Ellinger, seconded by Mr. Myers, the disciplinary action was approved by unanimous vote.

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The Mayor asked Dr. Rice Leach, Commissioner of the Fayette County Health Dept., to update the Council on the changes within the Health Dept. Dr. Leach spoke about the resources and services at the Fayette County Health Dept., and about funding, processes and current issues.

Dr. Leach recognized Dr. Stephanie Mosley, who is a Resident in Preventive Medicine at the University of Kentucky.

The Council asked questions of Dr. Leach regarding the Health Dept.

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Mr. Robert Dalton, Douglas Avenue, spoke about a golf outing for American Legion Post 341, Leestown Road, on Thursday, August 25, 2011, at 8:30 a.m., at The Brook Golf Course in Versailles. He also thanked the Council for taking an interest in the collective bargaining issue.

* * *

Mr. Blues made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(c), for the purpose of discussing potential litigation.

* * *

Upon motion, the Council returned to open session, with the same members present, and adjourned the meeting at 10:16 p.m.

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Clerk of the Urban County Council