

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Docket

Tuesday, December 6, 2011

6:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Presentations**

1. **00527-11** Commemoration - 50th Anniversary of OWL, Opportunity for Work and Learning
2. **00528-11** PDR / CADRB Annual Presentation

IV. Ordinances – Second Reading

1. **00449-11** An Ordinance amending Article 8-1(d) of the Zoning Ordinance to allow an historic house museum as a conditional use in the A-R zone. Approval of the Alternative Text 11-0 [Div. of Planning, King]
2. **00432-11** An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the job title of one (1) position of Human Resources Manager, Grade 119E, to one (1) position of Payroll Manager, Grade 119E, in the Div. of Accounting. [Div. of Human Resources, Jarvis]
3. **00493-11** An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2012. [Council Office, Maynard]
4. **00457-11** An Ordinance amending Section 16-15(f) of the Code of Ordinances related to refuse collection to exempt peace officers performing their official duties from this Section. [Div. of Police, Bastin]
5. **00484-11** An Ordinance creating Subsection 14-10(f)(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to provide for the enforcement of violations of Article 13 of the Zoning Ordinance by the Director of Historic Preservation and Historic Preservation Specialist(s); effective January 1, 2012. [Div. of Historic Preservation, Kerr]
6. **00501-11** 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. 46. [Div. of Budgeting, Barrow]

7. **00520-11** An Ordinance approving and adopting regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Div. of Central Purchasing; effective January 1, 2012. [Council Office, Maynard]
8. **00486-11** An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician Principal, Grade 115E, abolishing two (2) positions of Engineering Technician, Grade 111N, and two positions of Laboratory Technician, Grade 109N, and creating one (1) position of Electrician, Grade 114N, one (1) position of Maintenance Mechanic, Grade 113N and two (2) positions of Laboratory Technician Sr., Grade 112N, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N, all in the Div. of Water Quality, and appropriating funds pursuant to Schedule No. 47. [Div. of Human Resources, Jarvis]
9. **00473-11** An Ordinance accepting the bid of TP Mechanical Contractors, in the amount of \$111,129 for a water heater for the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 48. [Div. of Purchasing, Marcum]

V. Ordinances – First Reading

10. **00531-11** 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. 49. [Div. of Budgeting, Barrow]

VI. Resolutions – Second Reading

1. **00475-11** A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for odor control chemicals, for the Div. of Water Quality. (2 Bids, Low) [Martin]
2. **00476-11** A Resolution accepting the bids of Valk Manufacturing Co., in the amount of \$5,760; J. Edinger & Sons, Inc., in the amount of \$8,614.72; and Central Parts Warehouse, in the amount of \$1,990, for snow plow parts, for the Div. of Streets and Roads. (3 Bids, Low) [Williams]
3. **00454-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation (\$300), Forest Ridge Maintenance Association, Inc., (\$150) and Speigle Hill Community Center (\$400), for the Office of the Urban County Council, at a cost not to exceed the sums stated. (Council

Office, Maynard)

4. **00489-11** A Resolution ratifying the probationary civil service appointments of: Leslie Jarvis, Director of Human Resources, Grade 123E, \$3,461.54 bi-weekly, in the Div. of Human Resources, effective December 5, 2011 and Robert Harris, Public Service Supervisor, Grade 111N, \$20.625 hourly, in the Div. of Parks and Recreation, effective November 28, 2011; ratifying the probationary sworn appointments of: Shawn Campbell, Community Corrections Captain, Grade 115E, \$2,522.40 bi-weekly, in the Div. of Community Corrections, effective November 28, 2011. [Div. of Human Resources, Jarvis]

5. **00398-11** 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 \$40,000 Federal funds, are for the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$10,000 as a local match, and authorizing the Mayor to transfer unencum-bered funds within the Grant budget. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]

6. **00413-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$129,533 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, 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. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]

7. **00416-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute two Amended Memoranda of Agreement with Fayette County Public Schools, for operation of the National School Lunch Program through the end of the current school year and the Child Care Food Program through December 30, 2011, at the Family Care Center and the Day Treatment Center. [Dept. of Social Services, Mills]

8. **00418-11** A Resolution approving the granting of an Inducement to CMSText, LLC, 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 CMSText, LLC, 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 CMSText, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. [Mayor's Office, Atkins]

9. **00419-11** A Resolution approving the granting of an Inducement to GE Lighting, LLC, 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 GE Lighting, LLC, 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 GE Lighting, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. [Mayor's Office, Atkins]
10. **00420-11** A Resolution approving the granting of an Inducement to Shatterbox, LLC, 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 Shatterbox, LLC, 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 Shatterbox, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action. [Mayor's Office, Atkins]
11. **00421-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement with Civil Rights Assurance, for Volunteer Tax Assistance Programs at the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government. [Dept. of Social Services, Mills]
12. **00424-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the North Limestone Neighborhood

Association, Inc., to develop an Environmental Improvement Plan for the Limestone/Loudon Area, at a cost not to exceed \$50,000. [Div. of Water Quality, Martin]

13. **00425-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Spindletop Community Association Inc., to improve water quality in the subdivision pond with a bottom aerator, hold educational seminars on the Royal Springs Aquifer and topics related to what residents can do to improve water quality, stencil neighborhood storm drains, and hold a stream cleaning event, at a cost not to exceed \$2,180. [Div. of Water Quality, Martin]
14. **00426-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Hazen & Sawyer, P.S.C. for the Sanitary Sewer Assessment Reports and Remedial Measures Plans, extending the current Contract through FY 2012 and increasing the contract price by the sum of \$1,500,000 from \$2,000,000 to \$3,500,000. [Div. of Water Quality, Martin]
15. **00427-11** A Resolution authorizing the Div. of Water Quality to purchase Allen-Bradley Automation Equipment to upgrade the blower system at the Town Branch Wastewater Treatment Plant, from CED of Lexington (as distributor for Rockwell Automation), at a cost not to exceed \$42,000. [Div. of Water Quality, Martin]
16. **00431-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of \$1,430,000 Federal funds, are for continuation of the Housing Opportunities for Persons with AIDS Program, 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 three (3) year agreement with AIDS Volunteers, Inc.; for continuation of the project, at a cost not to exceed \$1,391,000. [Div. of Grants & Special Programs]
17. **00326-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Court Appointed Special Advocate, Inc., Fayette Family Courts, the Cabinet for Health and Family Services and the Fayette County Attorney's Office, outlining the relationship among the parties concerning the operation of the Court Appointed Special Advocates Program, at no cost to the Urban County Government. [Div. of Youth

Services, Hong]

18. **00433-11** A Resolution accepting Software Development, Inc., as the entity to perform billing services for Emergency Medical Services, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Software Development, Inc., for these services, at a cost not to exceed 3.5% of the receipts from the previous calendar year, which are estimated to be \$214,000.00 for Fiscal Year 2012. [Div. of Revenue, O'Mara]
19. **00440-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Rental Agreement and Catering Contract with Lexington Convention Center and Hyatt Regency, for the Police Awards Banquet, at no cost to the Urban County Government. [Div. of Police, Bastin]
20. **00442-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended 2010 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2010 Agreement. [Div. of Police, Bastin]
21. **00444-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended 2011 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2011 Agreement. [Div. of Police, Bastin]
22. **00445-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute lease renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the Government. [Dept. of General Services, Hamilton]
23. **00469-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to the Bluegrass Stockyards, LLC., to design and construct four stormwater control facilities and collaborate with UK, Locust Trace Agri-Science Farm, and Fayette County Extension Office and Conservation District in allowing the site to be used by students for research and environmental learning, at a cost not to exceed \$150,000. [Div. of Water Quality, Martin]
24. **00470-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Friends of Wolf Run, Inc., to perform stream cleanups, removal of invasive plant species, and planting of native vegetation along Wolf Run and its tributaries at

various volunteer selected stewardship sites; provide education outreach through communication with streamside property owners and installation of educational signage at stewardship sites; and purchase of a multi-parameter water quality meter, at a cost not to exceed \$11,770. [Div. of Water Quality, Martin]

25. **00471-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Lansdowne Neighborhood Association, Inc., to develop a conceptual plan to address stormwater runoff and streambank erosion in the tributary running from Zandale Dr. to West Hickman Creek and organize educational opportunities for residents, at a cost not to exceed \$10,000. [Div. of Water Quality, Martin]
26. **00472-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Incentive Grant to Group CJ, LLC., to collaborate with WKYT-TV and EKYT-CW, to write, produce and air approximately twenty 30-second education commercial messages for a "Doing the Green Thing" campaign, at a cost not to exceed \$34,650. [Div. of Water Quality, Martin]
27. **00478-11** 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 use of Jesse Clark Middle School Gym, for the Basketball Program, at a cost not to exceed \$8,012.40. [Div. of Parks and Recreation, Hancock]
28. **00480-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Don Jacobs Volkswagen of a 2012 Volkswagen Beetle Turbo Edition, for use at the Div. of Police, at no cost to the Urban County Government. [Div. of Police, Bastin]
29. **00481-11** A Resolution accepting and approving Harris Corp. as the provider of the First Responder Radio System for the Dept. of Public Safety, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute the System Purchase Agreement, System Maintenance Agreement, Software FX Agreement, Software License Agreement and any other necessary agreements or documents with Harris Corp. related to this project at a total project cost not to exceed \$18,148,232, subject to sufficient funding in future fiscal years, and payment in Fiscal Year 2012 not to exceed \$3,204,258. [Dept. of Public Safety, Mason]

30. **00487-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Baby Health Services, Inc. (\$250), and R.A.R.E. Inncity Ministries, Inc. (\$250), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]
31. **00518-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mtani Catering, LLC., for provision of meals under the Child Care Food Program at the Family Care Center, at a cost not to exceed \$1.20 for each lunch, \$0.90 for each breakfast, and \$0.70 for each snack. [Div. of Grants and Special Programs, Gooding]
32. **00499-11** A Resolution approving the recommendations of the Charles Young Center Task Force Report and directing that the recommendations be implemented as soon as possible. [Council Office, Maynard]
33. **00479-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2012 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1). [Div. of Revenue, O'Mara]

VII. Resolutions – First Reading

34. **00505-11** A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services - Recycling Center, for the Div. of Facilities and Fleet Management. (10 Bids, Low) [Baradaran]
35. **00506-11** A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services - Central Ky. Jobs Center, for the Div. of Facilities and Fleet Management. (14 Bids, Low) [Baradaran]
36. **00511-11** A Resolution accepting the bid of Intec Building Services, Inc., establishing a price contract for Custodial Services (Police Roll Call West), for the Div. of Facilities and Fleet Management. (11 Bids, Low) [Baradaran]
37. **00512-11** A Resolution accepting the bid of Zoll Medical Corp., establishing a price contract for defibrillators, for the Div. of Fire and Emergency Services. (2

Low) [Jackson]

- 38. 00515-11** A Resolution accepting the bids of Wilhod, Inc.; Arrow Electric Co.; Davis H. Elliot Construction Co., Inc.; and Advanced Electrical Systems, Inc., establishing price contracts for underground electrical service installation, for the Div. of Parks and Recreation. (4 Bids, Low) [Hancock]
- 39. 00513-11** A Resolution ratifying the probationary civil service appointments of: Christopher Dent, Project Engineering Coordinator, Grade 119E, \$2,278.08 bi-weekly, in the Div. of Water Quality, Robert Stivers, Public Service Worker Sr., Grade 107N, \$11.557 hourly, in the Div. of Streets and Roads, and Thomas Johnson, Public Service Worker Sr., Grade 107N, \$13.299 hourly, in the Div. of Streets and Roads, effective upon passage of Council. [Div. of Human Resources, Jarvis]
- 40. 00483-11** A Resolution approving a transfer of control of Insight Communications Co., Inc. to Time Warner Cable, Inc., and authorizing the Mayor to sign the related Agreement. [Chief Administrative Officer, Moloney]
- 41. 00492-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for space for the Celebration of disAbility Expo, at a cost not to exceed \$2,800. [Dept. of Social Services, Mills]
- 42. 00494-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Schroeder Construction, Inc., for the Beverly Ave. Sanitary Sewer Improvements Project increasing the contract price by the sum of \$25,657.88 from \$672,135.00 to \$697,792.88. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Bush]
- 43. 00495-11** A Resolution accepting the bid of Windstream Ky. East LLC, in accordance with the provisions of Ordinance No. 143-2011, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Windstream Ky. East LLC, incorporating the terms and conditions of Ordinance No. 143-2011. [Chief Administrative Officer, Moloney]
- 44. 00529-11** A Resolution accepting the bid of tw telecom of ky. llc, in accordance with the provisions of Ordinance No. 143-2011, creating and offering for

sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with tw telecom of ky. llc, incorporating the terms and conditions of Ordinance No. 143-2011. [Chief Administrative Officer, Moloney]

45. **00496-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Judy Simpson, President, and the Belleau Neighborhood Association of twenty-six trees, for the Belleau Wood Park, at no cost to the Urban County Government. [Div. of Parks and Recreation, Hancock]
46. **00497-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for the 2012 Martin Luther King Day Celebration, at a cost not to exceed \$8,100. [Mayor's Office, Emmons]
47. **00502-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Family Health to provide prescription benefits at a cost not to exceed \$7,000,000. [Chief Administrative Officer, Moloney]
48. **00503-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Bluegrass Chapter of the Ky. Mountain Bike Association, for construction and maintenance of a mountain bike off road trail at Veterans Park and rental equipment, at a cost not to exceed \$17,862. [Div. of Parks and Recreation, Hancock]
49. **00507-11** A Resolution amending Resolution No. 463-2011 to approve the granting of an inducement to SIS, LLC, and to properly identify SIS Holding Co., Inc., as an affiliate. [Mayor's Office, Atkins]
50. **00516-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Central Ky. Radio Eye, Inc., (\$425), and One World Films, Inc. (\$325), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]
51. **00526-11** 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 401 Blue Sky Parkway, and authorizing payment in the amount of \$250,000, plus usual and appropriate closing costs. [Div. of Water Quality, Martin]

- 52. 00533-11** A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of N. Eagle Creek Dr. and Eagle View Ln. [Council Office, Maynard]
- 53. 00534-11** A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Squires Rd. and Easthills Dr. [Council Office, Maynard]

VIII. Communications from the Mayor (For Information Only)

- 00514-11**
1. Resignation of Diana Woods, Life Skills Program Instructor, in the Div. of Family Services, effective November 17, 2011.
 2. Resignation of Barbara Stiefel, Staff Assistant Sr., in the Div. of Water Quality, effective November 18, 2011.
 3. Resignation of Chad May, Community Corrections Officer, in the Div. of Community Corrections, effective November 14, 2011.

IX. Announcements

X. Public Comments

Adjournment