



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Tentative Labor and Economic Development Committee

Chair Person David Yates (D-25)
Vice Chair Anthony Piagentini (R-19)
Committee Member Keisha Dorsey (D-3)
Committee Member Donna Purvis (D-5)
Committee Member Paula McCraney (D-7)
Committee Member Markus Winkler (D-17)
Committee Member Robin Engel (R-22)

Tuesday, June 16, 2020

3:00 PM

Council Chambers

Call to Order

Chair Person Yates called the meeting to order at 3:01 p.m.

Roll Call

Chair Person Yates introduced the committee members and non-committee members present. A quorum was established.

NOTE: All committee members and non-committee members attended the meeting virtually.

Present: 7 - Chair Person David Yates (D-25), Vice Chair Anthony Piagentini (R-19), Committee Member Keisha Dorsey (D-3), Committee Member Donna L. Purvis (D-5), Committee Member Paula McCraney (D-7), Committee Member Markus Winkler (D-17), and Committee Member Robin Engel (R-22)

Non-Committee Member(s)

Council Member Barbara Sexton Smith (D-4)

Support Staff

Paul Rutherford, Jefferson County Attorney's Office
Jason Fowler, Jefferson County Attorney's Office

Clerk(s)

Lisa Franklin Gray, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

[R-068-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR PUBLIC WORKS AND ASSETS CONCERNING ADVANCED TRAFFIC MANAGEMENT SOFTWARE - (ECONOLITE CONTROL PRODUCTS, INC. (SOFTWARE LICENSOR) AND PATH MASTER, INC. (SOFTWARE DISTRIBUTOR) - \$112,920.00).

Sponsors: Primary David Yates (D-25)

Attachments: [R-068-20 V.1 052820 Econolite Control Products, Inc..pdf](#)

[R-068-20 ATTACH 052820 - Econolite Control Products, Inc..pdf](#)

A motion was made by Committee Member Engel, seconded by Vice Chair Piagentini, that this Resolution be recommended for approval.

At the beginning of the meeting, no one was on hand to speak to the item.

Daniel Frockt, Office of Management and Budget stated he would contact Pat Johnson, Public Works, to join the meeting.

A motion was made by Vice Chair Piagentini, seconded by Committee Member Winkler, that this Resolution be tabled.

The motion to table carried by a voice vote and the Resolution was tabled.

A motion was made by Vice Chair Piagentini, seconded by Committee Member Dorsey, that this Resolution be untabled.

The following spoke to this item:

- Pat Johnson, Public Works-Traffic Engineering
- Chair Person Yates

The following was discussed:

- Louisville Metro has had a strong and long-standing relationship with Econolite
- Econolite has been the advanced traffic management software provider for 20 years
- This is the first software upgrade in nine years
- This upgrade is complimentary with Louisville Metro's existing on-street traffic signal controller equipment
- There are approximately 1,000 traffic signal controllers in Louisville Metro, accordingly, this software upgrade is ideal as Louisville Metro could not readily replace all the controllers
- The upgrade is next generation software that offers extended capabilities for single control and more readily interfaces with the advanced intelligence transportation systems and new technologies
- Path Master is the sole source for Econolite in Kentucky, thus Louisville Metro is obligated to work with them and is requesting to establish this sole source with this software
- This software is different from the software/equipment used for the Dixie Highway renovations and will eventually be used throughout Louisville Metro. However, at this time, Louisville Metro cannot readily provide the software and equipment throughout the entire area
- Throughout Metro Louisville there are 700 traffic controllers serviced by the State and 300 serviced by Louisville Metro, thus, it will be 3-5 years before Louisville Metro can change over to the new platform used on Dixie Highway

The motion to recommend for approval carried by a voice vote and the Resolution was sent to the Consent Calendar.

2. [R-075-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT - (SIMON AND COMPANY, INCORPORATED - \$60,000).

Sponsors: Primary David Yates (D-25)

Attachments: [R-075-20 V.1 052820 - SIMON AND COMPANY, INCORPORATED - \\$60,000.pdf](#)
[R-075-20 ATTACH 052820 - SIMON AND COMPANY, INCORPORATED - \\$60,000.pdf](#)

A motion was made by Committee Member Purvis, seconded by Vice Chair Piagentini, that this Resolution be recommended for approval.

The following spoke to this item:

- Daniel Frockt, Office of Management and Budget
- Chair Person Yates
- Vice Chair Piagentini

The following was discussed:

- This item authorizes a professional service contract with Simon and Company.
- This firm provides federal affairs assistance to Louisville Metro
- The firm facilitates meetings between federal agencies and Louisville Metro agencies/departments on a variety of national legislative issues such as housing, transportation, public safety and recently COVID-19 pandemic response
- This assistance is important as it relates to Louisville Metro's ability to apply and compete for federal grants with agencies such as HUD and Home Land Security
- Recently, this firm has been instrumental in providing daily updates on COVID-19 legislation as it moves through Congress
- The firm also serves as Louisville Metro's chief staffers for the US Conference of Mayors and National League of Cities, two key advocacy groups that focus on policy and funding issues for cities
- Louisville Metro has had this contract since Fiscal Year 2013 and it has remained flat
- This contract is a not-to-exceed \$60,000 annually with the monthly payment being \$4,000, the amount above the \$48,000 is for travel and related items
- Louisville Metro has previously spent in the low \$50,000 range with this contract
- Chair Person Yates asked if the reason why this contract is not competitively bid because Louisville Metro has used Simon and Company in the past and because it is one of the few companies that operates in this area that provides the necessary services? Daniel Frockt stated that Chair Person Yates' assessment was correct. Daniel Frockt also stated that the company has an impressive roster of city clients that are similarly situated to Louisville Metro such as Salt Lake City, etc.
- Questions were asked regarding why this contract is not competitively bid,

and it was confirmed that Simon and Company is one of the few companies in the area that provides these services.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

3. [R-077-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FIRST YEAR OF THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR MAINTENANCE AND SUPPORT OF THE REVENUE COMMISSION'S TAX SYSTEM - FAST ENTERPRISES LLC - \$1,693,500.00.

Sponsors: Primary David Yates (D-25)

Attachments: [R-077-20 V.1 061120 FAST ENTERPRISES LLC – \\$1,693,500.00.pdf](#)
[R-077-20 ATTACH 061120 FAST ENTERPRISES LLC – \\$1,693,500.00.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Purvis, that this Resolution be recommended for approval.

The following spoke to this item:

- Angela Dunn, Louisville Metro Revenue Commission
- Chair Person Yates
- Vice Chair Piagentini

The following was discussed:

- Professional Services contract with Fast Enterprises
- Revenue Commission began system development by implementing a new tax system software titled Genpac in 2018
- This contract is for proprietary solutions provided by Fast Enterprises
- The original purchase agreement included first three years of system development and two years of maintenance and support services
- The maintenance and support services will expire in July 2020
- The software maintenance will include quarterly service packs i.e. system updates, enhancements to software and security updates, as well as new software components; the time and material support services include three full-time on-site Fast Enterprises representatives and centralized technical support; support services also includes support analysis, installation of service packs, software updates, defect evaluation and repair, performance analysis and installation of hot fixes.
- Extending the maintenance and support for the tax system is crucial for having the support to maintain and enhance this system
- On-site employees have specific expertise and training on this proprietary software and system
- Without these services, the Revenue Commission would have many challenges in effectively attaining the level of security required by the Internal Revenue Service publication 10.75, which could result in the loss of IRS data
- This tax system is continuously enhanced with the latest features to keep up with emergent technology and best practices to provide simplified and proactive services for Louisville Metro tax payers
- The annual cost is not-to-exceed \$1,693,500 with a quarterly payment of \$423,375
- With this contract Louisville Metro has already purchased the greatest expense as it relates to the product. Are these funds were simply for

maintenance and support rather than enlisting another company? That is correct.

- Is the current price for the product the annual expense for a five-year agreement? That is correct, accordingly, the purchase price is for a five-year contract that however requires annual approval. How long has Louisville Metro had a relationship with the company and will the Revenue Commission competitively bid the contract as it nears its expiration? Louisville Metro entered into the contract in 2017 and that the Revenue Commission launched the system in 2018, prior to that date, Louisville Metro's tax system software was nearly 20 years old. Thus, as the contract nears its expiration, if the system has consistent errors or challenges, it would definitely be a reasonable possibility to begin competitively bidding for a more conducive contract, fee, etc. Typically, these types of systems are expected to last for more than five years.

- Chair Person Yates commented that he would like to review a cost benefit analysis nearing the end of the contract to see if the product performed as expected.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

4. [R-069-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITELY NEGOTIATED SOLE SOURCE CONTRACT FOR THE LIBRARY FOR BOOKS, AUDIO BOOKS, ACCESS TO DATABASES AND OTHER LIBRARY MATERIALS FOR USE BY LIBRARY PATRONS- (CENGAGE LEARNING, INC. - \$70,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: [R-069-20 V.1 052820 - CENGAGE LEARNING, INC. - \\$70,000.00.pdf](#)
[R-069-20 ATTACH 052820 - CENGAGE LEARNING, INC. - \\$70,000.00.pdf](#)

A motion was made by Committee Member Winkler, seconded by Committee Member Dorsey, that this Resolution be recommended for approval.

The following spoke to this item:

- Lee Burchfield, Louisville Free Public Library
- Chair Person Yates
- Vice Chair Piagentini
- Daniel Frockt, Office of Management and Budget

The following was discussed:

- Cengage databases are a collection of three research databases provided to the public via the Louisville Free Public Library web site and is available to any library patron that has a library card either in the library or from their home
- One database provides biographical information most often important to school age children doing research papers
- A second database utilizes opposing viewpoints for students writing position papers on current events arguing on side of an issue or the other
- The third database is a literature resource center that provides literary criticism materials, which is important for students writing book reports and other research projects
- This is one of the series of contracts that the library brings before this Committee annually
- Normally these contracts would be procured as subscriptions but due to a change in contractual language these are now conducted as sole source agreements
- These databases are three products only available to be offered through Cengage Learning
- Questions were asked regarding if the Louisville Free Public Library would offer access to legal databases as many citizens perform write pro se legal documents? Some research and follow up with the Committee will be conducted to ascertain what the purchase cost would be since legal databases are fairly specialized databases. Most databases are based on the number of card holders or the service area population. Unfortunately, it is not believed that these specialized databases would not be in enough demand or use to justify the cost. It would be nice to see a cost benefit report and the

availability for public access.

- A report for the Fiscal Year 2021 budget cycle of all contracts has been provided to the Metro Council that can be sorted by department.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

5. [R-070-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR THE LIBRARY CONCERNING MAGAZINE AND NEWSPAPER SUBSCRIPTIONS AND OTHER MATERIALS - (COX SUBSCRIPTIONS, INC. - \$75,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: [R-070-20 V.1 052820 -Cox Subscriptions, Inc..pdf](#)

[R-070-20 ATTACH 052820 - Cox Subscriptions, Inc..pdf](#)

A motion was made by Committee Member Purvis, seconded by Committee Member Engel, that this Resolution be recommended for approval.

The following spoke to this item:

- Lee Burchfield, Louisville Free Public Library
- Chair Person Yates

The following was discussed:

- This contract is for print materials such as newspapers and magazines
- The Louisville Free Public Library maintains subscriptions to multiple titles and multiple copies of those titles
- The Louisville Free Public Library manages all their print subscriptions through Cox Subscriptions. These services are integrated into the database system that the library uses.
- This contract covers subscriptions for the Courier Journal and Newsweek magazine throughout all county branches
- The not-to-exceed amount is \$75,000 where normally the overall cost is in the low \$60,000 range.
- Lee Burchfield stated that the Louisville Free Public Library is consistently reviewing usage throughout branches to be cost effective
- Questions regarding if a patron wanted to conduct research in the newspaper, how far back would they be able to go? Accordingly, a patron could research the databases on an internet-ready computer through the span of the Courier Journal as well as New York Times and others.

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

6. [R-078-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR THE LIBRARY FOR VIDEO STREAMING SERVICES OF LICENSED TITLES FOR USE BY LIBRARY PATRONS - (KANOPY, INC. - \$60,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: [R-078-20 V.1 061120 KANOPY, INC. - \\$60,000.00.pdf](#)

[R-078-20 ATTACH 061120 KANOPY, INC. - \\$60,000.00.pdf](#)

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Resolution be recommended for approval.

The following spoke to this item:

- Lee Burchfield, Louisville Free Public Library
- Chair Person Yates

The following was discussed:

- Kanopy, Inc., is a company that provides a collection of streaming videos that feature a combination of feature films, documentaries and learning resources similar to multi-session/multi-hour university classroom courses
- Kanopy services are different from other services as it is a pay-as-you-go service
- Each month the Louisville Free Public Library has \$5,000 worth of credits available for card holders to watch a film
- Each card holder has a number of credits, normally five credits that can be used to watch five films
- The Louisville Free Public Library only pays for the number of movies watched monthly
- The Louisville Free Public Library normally exhausts all its credits just prior to the end of the month
- The not-to-exceed amount of this contract is \$60,000, which has been increased due to COVID-19
- Previously, the Louisville Free Public Library was spending \$2,000 per month on this subscription, but is now spending \$5,000 per month due to COVID-19

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

7. [R-079-20](#)

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITELY NEGOTIATED SOLE SOURCE CONTRACT FOR THE LIBRARY FOR BOOKS, AUDIO BOOKS, ACCESS TO DATABASES AND OTHER LIBRARY MATERIALS FOR USE BY LIBRARY PATRONS - (RECORDED BOOKS, INC. - \$125,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: [R-079-20 V.1 061120 RECORDED BOOKS, INC. - \\$125,000.00.pdf](#)
[R-079-20 ATTACH 061120 RECORDED BOOKS, INC. - \\$125,000.00.pdf](#)

A motion was made by Committee Member Winkler, seconded by Committee Member Purvis, that this Resolution be recommended for approval.

The following spoke to this item:

- Lee Burchfield, Louisville Free Public Library
- Chair Person Yates

The following was discussed:

- The Louisville Free Public Library purchases two products from Recorded Books, Inc. which are recorded books on CDs available for checkout from the library
- The other product is available via audio books that may be downloaded through an app available on an iPhone or Android phones
- The downloadable books may also be listened to over an internet web browser on a laptop or desktop computer
- The viewership for these products has increased by 75 percent during the COVID-19 pandemic

The motion carried by a voice vote and the Resolution was sent to the Consent Calendar.

8. [O-267-20](#)

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 113 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES TO ESTABLISH AN ENTERTAINMENT DESTINATION CENTER WITHIN THE NULU MARKETPLACE AREA (AS AMENDED).

Sponsors: Primary Barbara Sexton Smith (D-4)

Attachments: [O-267-20 V.2 061620 - EDC for NuLu Marketplace.pdf](#)
[O-267-20 V.1 061120 - EDC for NuLu Marketplace.pdf](#)

A motion was made by Committee Member Purvis, seconded by Committee Member Winkler, that this Ordinance be recommended for approval.

A motion was made by Vice Chair Piagentini seconded by Committee Member Purvis, that this Ordinance be amended on page 3, Section 1 of Chapter 113.XX, under subsection C to state that:

The NULU Marketplace Entertainment Destination Center (EDC) hours are as follows:

- Monday through Saturday - 11am to 2am
- Sundays - 11am to 11pm

The motion to amend carried by a voice vote.

The following spoke to this item:

- Council Member Sexton Smith
- Committee Member Purvis
- Christy Jarboe, Economic Development
- Vice Chair Piagentini

The following was discussed:

- This entertainment destination center is located within the heart of the Nulu Marketplace Area in Council District 4
- This is a positive step especially during a pandemic to spotlight businesses and attract new businesses and tourism in the area
- Mo Deljoo is the developer for the project that has worked in several areas attracting businesses such as West Sixth Brewery, which will be an anchor tenant in this development
- The development will also house a bubble tea establishment, two interactive creative spaces, a pizza eatery and family friendly establishment
- Economic Development was commended for this project in the midst of a pandemic when other cities are also competing to bring in new businesses. Economic Development has done a great job for the Louisville Metro area. The Committee is a great supporter of entertainment destination venues and hopes to see more of these types of venues throughout Louisville Metro.
- Question regarding why the times of operation were noted as Monday through Saturday from 11am - 12am and Sunday 11am - 12am, if each days' time was the same? Originally the times were in error and after discussing the times with the developer and business owners, the times were recommended to be Monday - Saturday - 11am - 2am and Sunday 11am - 11pm. It was requested that the committee amend the operating times to reflect those discussed during the Committee meeting and not the previously erroneous times.
- Questions regarding if alcoholic beverages could be sold before noon in Louisville Metro? That Ordinance had been changed in order for businesses to operate in earlier times for events such as Derby.
- Questions were discussed regarding why historically the entertainment destination centers had times of 12am and this project is 2am? It was discussed that the circumstances of these venues is dependent on several factors, one being the neighborhoods surrounding the venue. Also it is dependent upon the deference of the Council Member in that area and their relationship with their constituents. For instance, in such venues as Whiskey Alley, the times were of great consideration because the project would be closing a street and all parties were in agreement not to linger past those stated times. This project would not close any public rights-of-way, it is an all-contained area. Possibly in the future the Whiskey Alley project may be revisited in respect to hours of operation.

The motion to recommend for approval carried by the following vote and the Ordinance was sent to the Old Business:

Yes: 6 - Yates, Piagentini, Dorsey, Purvis, McCraney, and Engel

Not Voting: 1 - Winkler

Adjournment

Without objection Chair Person Yates adjourned the meeting at 3:53 p.m.

***NOTE:** Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on June 25, 2020.