

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
June 28-July 5, 2010**

Monday, June 28

No Meetings

Tuesday, June 29

Council Office Special Investigative Committee Meeting.....8:00 am
Conference Room-5th Floor Government Center

Partner Agency Oversight Committee Meeting.....11:00 am
Conference Room-5th Floor Government Center

Council Budget & Finance Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chambers-2nd Floor Government Center

Wednesday, June 30

Commission for Citizens with Disabilities Meeting.....9:00 am
Conference Room 4C-Public Library

Council Office Special Investigative Committee Meeting.....3:00 pm
Conference Room-5th Floor Government Center

Thursday, July 1

Council Office Special Investigative Committee Meeting.....3:00 pm
Conference Room-5th Floor Government Center

Council Meeting.....7:00 pm
Council Chambers-2nd Floor Government Center

Friday, July 2

No Meetings

Monday, July 5

LFUCG Independence Day Holiday-Offices Closed

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

June 29, 2010

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, June 22, 2010 (separate)**
- IV. Budget Amendments – Yes, pp.9-10**
- V. New Business, pp. 13-84**
- VI. Continuing Business / Presentations**
 - A. Water Resources Oversight Committee (separate)**
 - B. Council Planning Committee (separate)**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization for a Lease and Maintenance Agreement with ABDick-KopyKat, Inc. on Behalf of the Department of Social Services, Lexington Senior Citizens Center. (312-10) (Helm)
This request will authorize approval of a Lease and Maintenance Agreement at a cost of \$285.88 per month for maintenance service and \$.006 per copy for a period of 48 months with ABDick-KopyKat, Inc. on behalf of the Lexington Senior Citizens Center. Funds are budgeted.**p.13**
- B. Authorization of a Senior Farmers' Market Nutrition Program Distribution Site Agreement & Guidelines with the Kentucky Department of Agriculture on Behalf of the Department of Social Services, Lexington Senior Citizens Center – FY2011. (342-10) (Helm)
This request will authorize a Senior Farmers' Market Nutrition Program Distribution Site Agreement & Guidelines with the Kentucky Department of Agriculture on behalf of the Lexington Senior Citizens Center. The Center is a distribution site for the Farmers' Market Nutrition Voucher Program for low income senior adults in our community. There is no budgetary implication for LFUCG.**pp.14-16**
- C. Authorization of Purchase of Service Agreements (PSA) with Partner Agencies of the Department of Social Services – FY2011. (345-10) (Helm)
This request will authorize approval of sixteen (16) PSA with partner agencies of the Department of Social Services for a total of \$1,946,350. Funds are budgeted.**p.17**
- D. Authorization of Lease Agreements with Agencies to Utilize Office Space in the Black & Williams Neighborhood Center. (328-10) (Talbert/Helm)
This request will authorize approval of Lease Agreements with the National Alliance for the Mentally Ill, Bluegrass Community Action Agency, National Association for the Advancement of Colored People, Area Health Education Center, Legal Aide of the Bluegrass, LexCare, Urban League of Lexington Fayette County and West End Community Empowerment Program for use office space at the Black & Williams Neighborhood Center at no cost in exchange for services provided to the public.**p.18**
- E. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (329-10) (L. Jarvis/Helm)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish two (2) positions of Child Care Program Aide (Grade 107N) and to Section 22-5 of the Code of Ordinances to create four (4) positions of Equipment Operator (Grade 108N) to drive buses within the Division of Family Services. The fiscal impact for FY2011 is a savings of \$4,781.90.**p.19**

- F. Authorization to Submit Grant Application to the Kentucky Department of Education, Division of School & Community Nutrition and Accept Award if Offered, on Behalf of the Department of Social Services, Family Care Center – FY2011. (332-10) (Gooding/Helm)

This request will authorize the submission of a grant application for federal funds in the amount of \$67,000 to the Kentucky Division of School & Community Nutrition on behalf of the Family Care Center to offset the cost of operating the nutrition program. This program provides breakfast, lunch and meal supplements to children enrolled in the Child Care Program. The source of federal funds is the US Department of Agriculture. While no matching funds are required, funds in the amount of \$7,500 have been requested in the Center's FY2011 General Fund budget. Total cost is \$74,500.**p.20**

- G. *Authorization to Amend Chapters 14 and 16 of the Code of Ordinances Regarding Erosion and Sediment Control at Construction Sites. (326-10) (Martin/Bush)

This request will authorize amendments to Chapters 14 and 16 of the Code of Ordinances to clarify LFUCG's Erosion and Sediment Control Program at construction sites by modifying language in Article 20 of the Zoning Ordinance and aligning requirements for construction sites that are one (1) acre and larger with the State Erosion and Sediment Control Program. The amendments will meet the objectives, intent and requirements in LFUCG's Municipal Separate Storm Sewer System discharge permit and the **EPA Consent Decree**. This amendment will become effective on repeal or amendment of Article 20.**p.21**

- H. *Authorization of an Annual Renewal of the Program Management Services Consent Decree Implementation Agreement with TetraTech, Inc. on Behalf of the Department of Environmental Quality, Division of Water Quality – Final Renewal. (330-10) (Martin/Bush)

This request will authorize the final Annual Renewal of the Program Management Services Consent Decree Implementation Agreement in the amount of \$1,766,000 with TetraTech, Inc. on behalf of the Division of Water Quality to continue deliverables for the stormwater/water quality management task orders under the **EPA Consent Decree**. Funds are budgeted.**pp.22-28**

- I. *Authorization to Award an Engineering Services Agreement to Hazen and Sawyer, PSC on Behalf of the Department of Environmental Quality, Division of Water Quality. (331-10) (Martin/Bush)

This request will authorize the award of an Engineering Services Agreement for \$2,000,000 to Hazen and Sawyer, PSC on behalf of the Division of Water Quality to provide three (3) Sanitary Sewer System Assessment Final Reports and three (3) Sanitary Sewer System and Wastewater Treatment Plans for required deliverables task orders under the **EPA Consent Decree**. Funds are budgeted.**pp.29-30**

- J. Authorization to Amend Chapter 16 to the Code of Ordinances Regarding the Storm Water Pollution Prevention Plans (SWPPP). (343-10) (Martin/Bush)
This request will authorize amendments to Section 16-90(b) and 16-90(e) of the Code of Ordinances relating to Stormwater Pollution Prevention Programs and will create Section 16-90(j) relating to preparation of Stormwater Pollution Prevention Programs regarding the SWPPP.**pp.31-33**
- K. Authorization to Approve Grant Award Agreements to Class A Neighborhoods for Stormwater Quality Projects. (344-10) (Martin/Bush)
This request will authorize the approval of Grant Award Agreements to Class A Neighborhoods for Stormwater Quality Projects. Six (6) grants will be awarded for a total of \$90,993.66. No matching funds are required.**pp.34-35**
- L. Authorization to Purchase a Baler Reliner From IPS Balers, Inc. as Sole Source Procurement on Behalf of the Department of Environmental Quality, Division of Waste Management for the Materials Recovery Facility (MPF) Plant Expansion. (327-10) (Feese/Bush)
This request will authorize the purchase of a reliner at a cost of \$33,233.20 from IPS Balers, Inc. as a sole source procurement on behalf of the MPF plant expansion. This baler compacts and binds approximately 60% or more of the materials processed. Funds are budgeted.**pp.36-39**
- M. Authorization of a Purchase of Service Agreement (PSA) with the Lexington-Fayette Urban County Human Rights Commission – FY2011. (338-10) (Gooding/Rumpke)
This request will authorize a PSA in the amount of \$166,960 with the Lexington-Fayette Urban County Human Rights Commission to support operating costs. Funds are budgeted.**p.40**
- N. Authorization of a Purchase of Service Agreement (PSA) with Road to Homeownership, Inc. – FY2011. (339-10) (Gooding/Rumpke)
This request will authorize a PSA in the amount of \$29,600 with the Road to Homeownership, Inc. to support operating costs. Funds are budgeted.**p.41**
- O. Authorization of a Purchase of Service Agreement (PSA) with the Urban League of Lexington-Fayette County – FY2011. (340-10) (Gooding/Rumpke)
This request will authorize a PSA in the amount of \$61,510 with the Urban League of Lexington-Fayette County to support operating costs. Funds are budgeted.**p.42**
- P. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Finance & Administration, Division of Human Resources. (353-10) (L. Jarvis/Rumpke)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish one (1) position of Human Resources Analyst (Grade 115E) and create one (1) position of Payroll Analyst (Grade 115E) in the Division of Human Resources. There is no fiscal impact for FY2011. This action is budget neutral.**p.43**

- Q. Authorization of a General Conditions Agreement with OnniSource Integrated Supply, LLC for an Inventory and Equipment Specialist under the Metropolitan Medical Response System (MMRS) Project (290-10) (Gooding/ Bennett)
This request will authorize a General Conditions Agreement for FY2010 MMRS federal funds of \$20,000 and for FY2011 MMRS federal funds of \$30,000 for a total of \$50,000, with OnniSource Integrated Supply, LLC for an Inventory and Equipment Specialist to maintain supplies and equipment under the MMRS Project. Funds are budgeted.**p.44**
- R. Authorization to Accept a Youth Football Equipment Grant Offered by USA Football on Behalf of the Department of Public Safety, Division of Police, Police Activities League (PAL) Project – FY2011. (333-10) (Gooding/Bennett)
This request will authorize the acceptance of a Youth Football Equipment Grant of equipment valued at \$1,000 offered by USA Football on behalf of the Division of Police, PAL Project.**p.45**
- S. Authorization to Accept an Offer from the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Emergency Management/911 for the Portable Interoperable Communications Tower Project. (350-10) (Gooding/Bennett)
This request will authorize the execution of an extension agreement offered by KOHS to extend the completion date through December 31, 2010 for the Portable Interoperable Communications Tower Project within the Division of Emergency Management/911.**p.46**
- T. Authorization to Accept Award from the US Department of Justice on Behalf of the US Attorney's Office Eastern District of Kentucky for a 2010 Project Safe Neighborhoods (PSN) Grant – FY2011, (351-10) (Gooding/Bennett)
This request will authorize the acceptance of an award in the amount of \$90,054 from the US DOJ on behalf of the US Attorney's Office Eastern District of Kentucky for a 2010 PSN Grant. Funds will be used to prevent gun and gang crimes, and for the enforcement of laws against armed criminals. LFUCG will serve as the fiscal agent for the funds. No matching funds are required.**p.47**
- U. Authorization to Amend Section 12-1(b) PM 106.4 of the Code of Ordinances for the Imposition of Civil Penalties by the Department of Public Safety, Division of Code Enforcement. (341-10) (D. Jarvis/Bennett)
This request will authorize an amendment to Section 12-1(b) PM 106.4 of the Code of Ordinances to allow the Division of Code Enforcement to impose civil penalties per individual structure or dwelling unit per parcel of land; treat each structure as an individual violation and issue fines accordingly; assist in handling large parcels of property that are a public nuisance; and will cap the civil penalty at \$10,000 per parcel per occurrence.**pp.48-50**

- V. Authorization to Approve *Statement of Compliance* Required by the National Bridge Inspection Standards, Bridge Posting Requirement. (334-10) (Rayan/Webb)

This request will authorize approval of the *Statement of Compliance* for bridges within Fayette County. This inspection was completed by the Kentucky Department of Highways, District Seven Structure Section. Bridges within Fayette County were found to be in compliance with the National Bridge Inspection Standards, Bridge Posting Requirement. This compliance allows LFUCG to remain eligible for Federal Bridge Rehabilitation or Replacement Funds.**pp.51-52**

- W. Authorization of Change Order No. 6 to Contract with Nesbitt Engineering, Inc. for the Meadows/Northland/Arlington Public Improvements Design – Phase 3. (336-10) (Rayan /Webb)

This request will authorize Change Order No. 6 to increase contract amount by \$32,000 with Nesbitt Engineering, Inc. for the Meadows/Northland/Arlington Public Improvements Project – Phase 3, Subphase 3D. Original contract amount was \$99,930. Total of previous change orders is \$128,528.78. New contract total is \$260,458.78. Funds are budgeted.**pp.53-55**

- X. Authorization of Amendment No. 3 to an Engineering Services Agreement Comprehensive Sanitary Sewer Project – Remaining Unsewered Areas with GRW Engineers, Inc. (337-10) (Rayan/Webb)

This request will authorize Amendment No. 3 to increase agreement amount by \$29,800 with GRW Engineers, Inc. for additional design/redesign work. Original agreement amount was \$128,000. Total of previous amendments is \$666,188. New agreement amount is \$823,899. Funds are budgeted.**pp.56-58**

- Y. Authorization to Accept Deeds for Acquisition of Properties for the Isaac Murphy Memorial Art Garden (IMMAG) Trailhead. (346-10) (Rayan/Webb)

This request will authorize the acceptance of fee simple deeds for acquisition of properties from owners of record at no cost to LFUCG, to establish the IMMAG Trailhead as part of the Legacy Trail. The IMMAG will become part of the Division of Parks & Recreation for maintenance.**p.59**

- Z. Authorization of Change Order No. 2 to Contract with HDR Engineering for Design of Citation Boulevard – Phase II. (347-10) (Gooding/Webb)

This request will authorize Change Order No. 2 to increase contract amount by \$62,500 with HDR Engineering for design of Citation Boulevard – Phase II to allow for three (3) modifications to the original scope of work. Original contract amount was \$768,025. Total of previous change order was \$149,282. New contract amount is \$979,807. Funds are budgeted.**pp.60-62**

- AA. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC), Transportation, Community, and Systems Preservation (TCSP) Program for Legacy Trail Enhancements. (349-10) (Gooding/Webb)
This request will authorize the acceptance of federal funds in the amount of \$500,000 from the TCSP Program for Legacy Trail Phase 1, 2 and 3 and the Isaac Murphy Memorial Art Garden Trailhead. A 20% (\$125,000) local match is required and will come from state funds awarded for infrastructure improvements for the IMMAG. Total project cost is \$625,000.**p.63**
- BB. Authorization of an Engineering Services Agreement with Strand Associates, Inc.® for the Distillery District Public Improvements Program (DDPIP). (352-10) (Van Pelt/Webb)
This request will authorize an Engineering Services Agreement in the amount of \$110,000 with Strand Associates, Inc.® for the DDPIP for the Manchester streetscape design and for the design and construction of a portion of the Town Branch Trail. Funds are budgeted.**p.64**
- CC. Authorization of Change Order No. 1 to Contract with L-M Partners, LTD (d/b/a ATS Construction) for the Lexington Streetscape Phase One – South Limestone Project. (FINAL) (354-10) (Webb)
This request will authorize Change Order No. 1 to decrease contract amount by \$9,295.01 with L-M Partners, LTD (d/b/a ATS Construction) for the Lexington Streetscape Phase One – South Limestone Project. Original contract amount was \$13,146,557.19. Final contract amount is \$13,137,262.18.**pp.65-66**
- DD. Authorization to Purchase from Central Indiana Truck Equipment Corporation as the Sole Source Procurement on Behalf of the Department of General Services, Divisions of Facilities & Fleet Management and Waste Management. (355-10) (Baradaran/Feese/Cole)
This request will authorize the purchase of twenty-five (25) Heil Python refuse truck body from Central Indiana Truck Equipment Corporation as the Sole Source Procurement for the Divisions of Facilities & Fleet Management and Waste Management at a cost not to exceed \$2,581,728. Funds are budgeted.**pp.67-68**
- EE. Authorization of Change Order No. 1 to Contract with Precision Painting & Pressure Washing for the Phoenix Building Exterior Painting Project. (FINAL) (356-10) (Baradaran/Cole)
This request will authorize Change Order No. 1 to increase contract amount by \$7,550 with Precision Painting & Pressure Washing for the Phoenix Building Exterior Painting Project for recaulking windows and painting columns. Original contract amount was 47,445. Final contract amount is \$54,995. Funds are budgeted.**pp.69-71**
- FF. Authorization to Amend Section 21-6 of the Code of Ordinances Regarding Probationary Employees. (358-10) (Askew)
This request will authorize an amendment to Section 21-6 of the Code of Ordinances to allow probationary employees who have missed a significant

number of days of work due to a serious medical illness or condition, to reapply for a position prior to the one year set forth in the ordinance.**pp.72-75**

- GG. Authorization of a Purchase of Service Agreement (PSA) with the Roots & Heritage Festival, Inc. for the 2010 Roots & Heritage Festival. – FY2011. (359-10) (Rabold)

This request will authorize a PSA in an amount not to exceed \$39,350 with the Roots & Heritage Festival, Inc. for the Roots & Heritage Festival scheduled for September 9 – 12, 2010. Funds are budgeted.**pp.76-84**

***EPA Consent Decree**

BUDGET AMENDMENT REQUEST LIST

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JOURNAL	BA 3044	DIVISION	Family Services	Fund Name	Donation Fund
				Fund Impact	84.00
					84.00CR
					.00

To recognize a contribution from Third Street Stuff to be used for student incentives.

JOURNAL	BA 3045	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	17,400.00
					17,400.00CR
					.00

To provide funds for 4th of July expenses by recognizing revenues received.

JOURNAL	BA 3046	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	5,000.00
					5,000.00CR
					.00

To provide funds for Limestone Grand Opening Celebration by recognizing revenues received from contractor.

JOURNAL	To Be Determined	DIVISION	Community Development	Fund Name	US Dept Energy
				Fund Impact	67,080.00
					67,080.00CR
					.00

To amend traffic management accounts in the Energy Efficiency Block Grant to provide for purchase of laptops and desktops for operation of new traffic management software.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1103	Donation Fund	.00
Fund	3210	US Department of Energy	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

June 29, 2010 Work Session

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If the New Business item listed below is on the Agenda, approval includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST+
329-10	CB 0041	Family Services	To provide funds for four part-time positions of Equipment Operator (grade 108N) by abolishing funds for two positions of Child Care Program Aide (grade 107N).
E			1101 63,380 1101 68,160CR 4,780CR *
332-10	TBD	Community Development	To accept award for Child Care Food Program for the Family Care Center – FY 2011.
F			3100 74,500 3100 74,500CR 0*
333-10	TBD	Community Development	To accept grant from USA Football for the Division of Police – Police Activities League Project – FY 2011.
R			3300 1,000 3300 1,000CR 0*
349-10	TBD	Community Development	To establish grant budget for the Legacy Trail Enhancements.
AA			3160 625,000 3160 625,000CR 0*
349-10	TBD	Community Development	To provide funds for grant match for the Legacy Trail Enhancements.
AA			3400 125,000 3400 125,000CR 0*
351-10	TBD	Community Development	To accept funds on behalf of the U.S. Attorney's Office – Eastern District of Kentucky for 2010 Project Safe Neighborhood Grant – FY 2011.
T			3140 90,054 3140 90,054CR 0*

EFFECT ON FUND BALANCES

FUND 1101	4,780*	INCREASE TO:	GENERAL FUND
FUND 3100	0*	NO IMPACT TO:	US DEPARTMENT OF AGRICULTURE
FUND 3140	0*	NO IMPACT TO:	US DEPARTMENT OF JUSTICE
FUND 3300	0*	NO IMPACT TO:	GRANTS – OTHER
FUND 3400	0*	NO IMPACT TO:	GRANTS – STATE

Budget Information For New Business Items

June 29, 2010 Work Session

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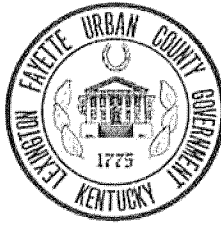
Item	Number	Amount	Fund	Name / Description
A	312-10	3,430.56	3190	US Department of Health and Human Services
B	342-10	NA		
C	345-10	1,946,350	1101	General Fund
D	328-10	NA		
E	329-10	(4,781)	1101	General Fund Budget Journal
F	332-10	74,500	3100	US Department of Agriculture Budget Journal
G	326-10	NA		
H	330-10	750,000 1,016,000	4003 4051	Sewer Construction Fund Water Quality Management Fund
I	331-10	2,000,000	4003	Sewer Construction Fund
J	343-10	NA		
K	344-10	90,993.66	4051	Water Quality Management Fund
L	327-10	33,233.20	1115	Urban Service Fund
M	338-10	166,960	1101	General Fund
N	339-10	29,600	1101	General Fund
O	340-10	61,510	1101	General Fund
P	353-10	NA		
Q	290-10	20,000	3200	US Department of Homeland Security
R	333-10	1,000	3300	Grants – Other Budget Journal
S	350-10	NA		
T	351-10	90,054	3140	US Department of Justice Budget Journal
U	341-10	NA		
V	334-10	NA		
W	336-10	32,000	3120	US Department of Housing and Urban Development
X	337-10	29,800	4003	Sanitary Sewer Construction Fund
Y	346-10	NA		

Budget Information For New Business Items

June 29, 2010 Work Session

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Z	347-10	62,500	3160	US Department of Transportation
AA	349-10	625,000 125,000	3160 3400	US Department of Transportation Grants – State Budget Journal
BB	352-10	110,000		Bond Projects Fund
CC	354-10	(9,295)		Bond Projects Fund
DD	355-10	2,581,728	2601	FY 2011 Bond Fund
EE	356-10	7,550	2514	2005 Bond Projects Fund
FF	358-10	NA		
GG	359-10	39,350	1101	General Fund



312-10

13

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 18, 2010

**SUBJECT: AUTHORIZATION TO EXECUTE LEASE AND MAINTENANCE
AGREEMENT WITH AB DICK FOR COPIER FOR THE SENIOR CITIZENS
CENTER--FY 2011**

The Department of Social Services has requested lease of copier from AB Dick for 48 months at a monthly cost of \$285.88 for a total four-year cost of \$13,722.24, on a state sales contract. Annual cost is \$3,430.56. Budget amendment is in process to provide sufficient funds for year one of the lease from the following account:

FUND	DEPT ID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3190	606102	6081	71303	SR_CITIZN_2011	2011	MS_GRANT

Funds for monthly maintenance costs are budgeted in:

FUND	DEPT ID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3190	606102	6081	76101	SR_CITIZN_2011	2011	MS_GRANT

The source of funds for this lease is the Senior Citizens grant, which is funded from Title III of the Older Americans Act. Funds for the following three years will come in future years' funding from the same grant program.

Council authorization to execute lease and maintenance agreement is hereby requested, subject to the availability of sufficient funds in FY 2011.

Irene Gooding, Acting Director

Xc: Marlene Helm, Commissioner of Social Services

Memo

To: Mayor Jim Newberry
Through: Commissioner Helm
From: Kristy Stambaugh, CTRS, MRC, CRC
Date: 06/16/2010
Re: Farmer's Market Nutrition Voucher Program

It is requested that you authorize this Agreement.

Enclosed you will find Commonwealth of Kentucky Department of Agriculture Senior Farmers' Nutrition Program Distribution Site Agreement and Guidelines.

The Senior Center will be a distribution site for the Farmer's Market Nutrition Voucher Program for low income senior adults in our community.

Our staff have been trained and there will not be any additional budgetary expenses.

See attached email

Reviewed and signed by the Law Department

Approval: Mayor Newberry

**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF AGRICULTURE
SENIOR FARMERS' MARKET NUTRITION PROGRAM
DISTRIBUTION SITE AGREEMENT & GUIDELINES**

342-10**The Distribution Site shall:**

1. Determine the eligibility of the senior recipients;
2. Issue and Maintain records concerning the issuance of Senior Farmers' Market Nutrition Program (SrFMNP) checks:
 - a. Check Issuance Log Form;
 - b. Certificate of Eligibility Form;
Commodity Supplemental Food Program (CSFP) sites do not have to complete a certificate of eligibility form. CSFP sites must complete a CSFP application and include SrFMNP check starting and ending number on the application.
3. Provide nutrition education information to each eligible SrFMNP recipient;
4. Provide information to each SrFMNP recipient regarding eligible food items and the use of checks;
6. Submit the original white copy of Check Issuance Log Form to the Department of Agriculture;
7. Destroy all checks that are not distributed by October 31 of each year. Notify the Department of the check range destroyed;
8. Agree not to discriminate on the basis of race, color, national origin, sex, age, or disability in the provision of services under this Agreement;
9. Agree not to discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment under this Agreement.

The Kentucky Department of Agriculture shall:

1. Provide to each Distribution Site, participating in the program, SrFMNP checks that will be issued to eligible seniors;
2. Provide technical assistance to the Distribution Site regarding the issuance of SrFMNP checks;

3. Review records for compliance and maintain original issuance and redemption records. Coordinate one-to-one reconciliation process of checks. Provide redemption rates on a state-wide and county level;
4. Maintain responsibility for the payment of all properly redeemed SrFMNP checks. Any claims resulting from payment or nonpayment of SrFMNP checks are the responsibility of the Department;
5. Provide to the Distribution Site state and federal regulations and other program information as needed.

This Agreement is valid June 1, 2010 through November 15, 2010. At the expiration of its initial term, this Agreement may be renewed for two (2) additional one (1) year periods if it is in the best interests of the Commonwealth to do so.

Neither the Department of Agriculture nor the Distribution Site has an obligation to renew the agreement. Either party may terminate this agreement for cause after providing advance written notification

Persons seeking to file a discrimination complaint may do so either with the Secretary of Agriculture, or the Director, Office of Civil Rights, 1400 Independence Avenue, USDA, Washington, DC 20250 or with the Kentucky Department of Agriculture, Office of Legal Services, 500 Mero Street, 7th Floor, Frankfort, KY 40601.

I agree to the Senior Farmers' Market Nutrition Program Distribution Site Agreement and Guidelines as set forth in this Agreement.

Distribution Site (Print Name)

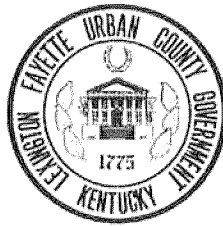
Ann Smith 6-22-10

Signature/date
Ann Smith, Director of Food Distribution
Kentucky Department of Agriculture

County
(Print Name)

SrFMNP Distribution Coordinator
(Print Name)

Signature/date



345-10

17

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Members of the Council
Joe Kelly, Sr. Advisor for Management

FROM: Marlene Helm
Marlene Helm, Commissioner

DATE: June 16, 2010

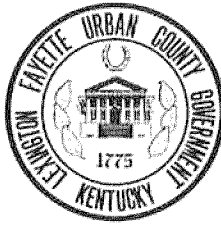
SUBJECT: Purchase of Service Agreements with Partner Agencies for FY 2011

I am requesting approval for the Lexington-Fayette Urban County Government to enter in to Purchase of Service Agreements with sixteen (16) partner agencies for Fiscal Year 2011. These agencies, as well as the level of funding budgeted for each, are as follows:

<u>Agency Name</u>	<u>Funding Level</u>	<u>Dept. ID</u>
Baby Health Services	\$16,650	900301
Big Brothers Big Sisters of the Bluegrass	\$9,520	900328
Bluegrass Community Action Agency	\$27,750	900303
Bluegrass Domestic Violence Program	\$75,000	900304
Bluegrass Rape Crisis Center	\$69,380	900316
Bluegrass Technology Center	\$2,780	900305
Center for Women, Children and Families	\$46,250	900306
Chrysalis House	\$37,000	900209
Community Action Council	\$166,500	900307
Comprehensive Care Center	\$291,140	900308
Hope Center	\$740,000	900311
M.A.S.H. Services of the Bluegrass	\$158,000	900313
Moveable Feast Lexington	\$37,000	900324
Nursing Home Ombudsman Program	\$46,250	900314
Salvation Army	\$200,000	900317
Sunflower Kids	\$23,130	900216

An Addendum outlining the scope of work to be performed, and/or service to be provided by each agency is attached to each Purchase of Service Agreement. The Department of Social Services maintains a file on each agency that includes: copy of the Agreement; scope of work; budget narrative, invoices; monthly financial, quarterly program report; and other documentation.

Funds of \$1,946,350 to cover these costs are reflected in the adopted budget for FY 2011.



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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

MEMORANDUM

TO: MAYOR JIM NEWBERRY
MEMBERS OF THE COUNCIL
JOE KELLY, SR. ADVISOR FOR MANAGEMENT

FROM: Cheryl L. Talbert
CHERYL TALBERT, DIRECTOR
ADULT & TENANT SERVICES

THROUGH: MARLENE HELM *mlh*
COMMISSIONER OF SOCIAL SERVICES

DATE: JUNE 16, 2010

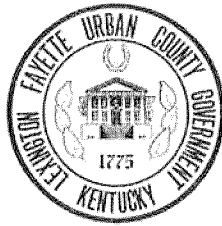
SUBJECT: LEASE AGREEMENTS FOR OCCUPANTS OF THE BLACK & WILLIAMS
NEIGHBORHOOD CENTER

This action authorizes the Mayor to enter into a lease agreement on behalf of the Lexington-Fayette Urban County Government with the following agencies:

National Alliance for the Mentally Ill (NAMI)
Bluegrass Community Action Agency
National Association for the Advancement of Colored People (NAACP)
Area Health Education Center (AHEC)
Legal Aide of the Bluegrass
LexCare
Lexington Fayette County Urban League, Inc.
West End Community Empowerment Program

The agreements with each agency are in effect until June 30, 2011, can be cancelled by either party with 90 days written notice and renewable annually.

Agencies receive rent free space, utilities, janitorial services in exchange for providing services to residents of the neighborhood.



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor
Council Members

FROM: 
Leslie Jarvis, Acting Director
Division of Human Resources

DATE: June 18, 2010

RE: Abolish/Create Positions— Division of Family Services

The attached action amends Section 21-5 of the Code of Ordinances abolishing two (2) positions of Child Care Program Aide (Grade 107N). This action also amends Section 22-5 of the Code of Ordinances creating four (4) positions of Equipment Operator (Grade 108N) all in the Division of Family Services, effective upon passage of Council.

This action is requested to provide for CDL drivers for the youth related programs at the Day Treatment Center and the Family Care Center. These positions are needed to provide transportation services only for the program/school year and will work 177 days of the year, six (6) hours per day which coincides with the Fayette County School schedule.

The fiscal impact for FY2011 is a savings of \$(4,781.90) (24 pay periods) and includes benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Child Care Program Aide (two positions)	\$24,886.94	\$0	\$(49,773.88)
Vacant	Equipment Operator (four positions)	\$0	\$15,929.94	\$63,719.76
Total Annual Impact/ Salary and Benefits*** \$(5,180.39)				

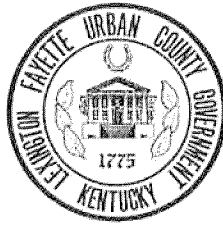
***The Equipment Operator benefits paid include only F.I.C.A. and unemployment.

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

cc: Marlene Helm, Commissioner, Department of Social Services
Sarah Henderson, Director, Division of Human Resources
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 10-0071



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 15, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION,
AND ACCEPT AWARD IF OFFERED, TO THE KENTUCKY
DEPARTMENT OF EDUCATION FOR PARTICIPATION IN THE
CHILD CARE FOOD PROGRAM FOR THE FAMILY CARE CENTER -
FY2011**

The Family Care Center has prepared an application for submission to the Kentucky Department of Education - Division of School and Community Nutrition. The application anticipates federal funds in the amount of \$67,000 to offset the costs of operating the nutrition program at the Family Care Center. This program provides lunches, breakfasts, and meal supplements to all children who are enrolled in child care programs at the Family Care Center. While no match is required, matching funds in the amount of \$7,500 has been requested in the Family Care Center's 2011 general fund budget for purposes of program operation.

The project will pay for food to be provided and prepared by the Board of Education of Fayette County, School Food Services Division. The U.S. Department of Agriculture through the Kentucky Department of Education's reimbursement rate in FY2010 for free breakfast is \$1.46, free lunch is at the rate of \$2.68, and supplements are at the rate of \$0.74. The reimbursement rate for FY2011 has not been published at this time. Approximately 90% of the participants are eligible for free meals.

Council authorization to submit the application and accept the award is hereby requested, subject to the availability of sufficient funds in FY 2011.

Irene Gooding, Acting Director

Xc: Marlene Helm, Commissioner of the Department of Social Services



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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan C. Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: June 17, 2010

Re: Code of Ordinances Chapter 14 & 16 – Control of Erosion and Sediment from Construction Sites

The purpose of this memorandum is to propose additions and amendments to the LFUCG Code of Ordinances for the purpose of meeting the objectives, intent and requirements found in:

1. LFUCG's Municipal Separate Storm Sewer System (MS4) discharge permit and;
2. Federal **Consent Decree**, which was lodged with U.S. District Court on March 14, 2008

This business item proposes an ordinance relating to erosion and sediment control associated with construction sites. The ordinance clarifies the requirements of LFUCG's erosion and sediment control program by modifying ambiguous language contained in Article 20 of the Zoning Ordinance and aligning LFUCG's requirements for construction sites one acre and larger with the requirements of the state erosion and sediment control program.

The proposed ordinance was presented to the regulated community on March 22, 2010. LFUCG accepted comment over a 30 day period and publically responded to those comments on June 15, 2010. Prior to the June 15, 2010 posting of the response to comments, LFUCG met with stakeholders and amended the original draft to address substantive comments.

Because Article 20 of the Zoning Ordinance is still in effect, this proposed ordinance, if approved, will not take effect until Article 20 is repealed or amended. Repeal or amendment of Article 20 will be a new business item occurring at a "to be determined" later date in 2010.

Questions regarding this memorandum should be directed to Charles Martin at 425-2455.




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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: June 15, 2010

Re: Annual Renewal of the Program Management Services Consent Decree Implementation Agreement with Tetra Tech, Inc. for FY 2011

The Program Management Services Consent Decree Agreement with Tetra Tech, Inc. provides for two annual renewals. The first renewal was completed in FY 2010, and the Division of Water Quality recommends the second and final renewal of the Agreement through FY 2011.

The Agreement with Tetra Tech, Inc. is to continue deliverables associated with LFUCG's Consent Decree. Deliverables associated with this Agreement are allocated via a series of written task orders. Lump sum fees are assigned to each approved task order pursuant to the Agreement.

In FY 2011, \$750,000 for sanitary sewer task orders is budgeted in Fund 4003 303401 3421 71205 PROGRAMGR_2011 CONSENT_DE, \$816,000 is budgeted in Fund 4051 303204 3373 71205 and \$200,000 is budgeted in 4051 313201 3095 71299 for stormwater/water quality management task orders.

Attached is a list of Consent Decree deliverables to date for both sanitary sewer and stormwater. Given the success to date on all met Consent Decree deadlines, DWQ recommends renewal of this Agreement with Tetra Tech, Inc.

Questions regarding this agreement should be directed to Charles Martin at 859-425-2455.

Attachment

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Mark York, Division of Environmental Policy
Julie Mantrom, Division of Water Quality

*330-10

Federal Consent Decree Deadlines Met Sanitary Sewer Items - 06.01.10						
Chronological Numbering	Activity	Date Submitted	LFUCG Completion Goal (postmark date to EPA, where applicable)	Deadlines in the CD		Notes
				From Lodging Date (March 14, 2008)	From Effective Date (adopted by LFUCG as August 15, 2009)	
1	Notification of WWTP Backup Power Installation/Completion	March 31, 2008	April 1, 2008			Hard Deadline of 4/1/08
3	SSA Work Plan	June 9, 2009	June 12, 2008	90 Days		
4	Hydraulic Model Report	July 8, 2008	July 11, 2008	120 Days		7/12/08 is a Saturday
2	Notification of Appendix F Cross Connections Elimination	July 9, 2008	April 11, 2008	90 Days		Work was completed in 2007; 4/13/08 is a Sunday
8	Sewer Overflow Response Plan	July 26, 2008	February 13, 2009		6 Months	EPA review/approval: 2/15/09 is a Sunday
9	CMOM Self-Assessment	August 26, 2008	February 13, 2009		6 Months	EPA review/approval: 2/15/09 is a Sunday
5	Capacity Assessment Work Plan	September 9, 2008	September 12, 2008	6 months		EPA review/comment: 9/14/08 is a Sunday
7	2008 Annual Report	January 29, 2009	January 30, 2009			Hard Deadline of 1/31 each year; 1/31/09 is a Saturday
10	Notification of PS Adequacy Evaluation Report Completion	March 7, 2009	March 13, 2009	1 Year		3/14/09 is a Saturday
11	Quarterly Report	April 28, 2008	April 30, 2009		30 Days After 2nd Full Calendar Quarter	
12	Pump Station Operation Plan for Power Outages Report	May 14, 2008	May 15, 2009		9 Months	EPA review/approval
13	Quarterly Report	July 28, 2008	July 30, 2008			
14	Fats, Oils, & Grease (FOG) Control Program Report	August 10, 2008	August 14, 2008		12 Months	EPA review/approval: 8/15/09 is a Saturday
15	Gravity Line Preventative Maintenance Program Report	August 13, 2008	August 14, 2009		12 Months	EPA review/approval: 8/15/09 is a Saturday
16	Quarterly Report	October 29, 2009	October 30, 2009			
17	Quarterly Report	January 29, 2010	January 29, 2010			1/30/10 is a Saturday
18	2009 Annual Report	January 29, 2010	January 29, 2010			Hard Deadline of 1/31 each year; 1/31/10 is a Sunday
19	North Elkhorn Force Main Diversion Project	January 29, 2010	March 12, 2010	24 Months		Notified via Quarterly Report: 3/14/10 is a Sunday
20	Quarterly Report	April 29, 2010	April 30, 2010			
6	List of Authorized Future Connections	letter not yet submitted	December 15, 2008		120 Days	12/13/08 is a Saturday

Status of Consent Decree MS4 Performance Standards through 3/31/10

MS4 Performance Standard		Completion Schedule Goal ¹	Status	Comparison of Actual Performance to Performance Standard Goal
CS 6	Commencing with the first full calendar month after entry of the Consent Decree, conduct monthly inspections of at least 90% of active construction sites with reasonable potential to discharge to the MS4.	First Full Calendar Month After CD Effective Date	Done, but will reoccur monthly.	LFUCG met the 90% requirement each month from January 2010 through March 2010. 100% for January, 99.5% for February, and 99.8% for March.
PPRC 14	Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the publicly- and privately-owned detention basins with reasonable potential to discharge pollutants to the MS4 at least two times a year.	First Full Calendar Month After CD Effective Date	In Progress; On Schedule. Will reoccur semiannually.	LFUCG is on target to meet the 90% requirement for the period of January 2010 to July 2010. As of March 31, 2010, 641 out of 1178 detention basins had been inspected.
PPRC 15	Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the publicly- and privately-owned retention ponds with reasonable potential to discharge pollutants to the MS4 at least once a month.	First Full Calendar Month After CD Effective Date	Done, but will reoccur monthly.	LFUCG met the 90% requirement each month from January 2010 through March 2010. 100% for all three months.
PPRC 16	Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the culverts in Appendix LL of the SWQMP for clogging and excessive buildup of sediment at least once a month and within three days of a rainfall of 1 inch or more in a calendar day.	First Full Calendar Month After CD Effective Date	Done, but will reoccur monthly.	LFUCG met the 90% requirement for the monthly inspection each month from January 2010 through March 2010. 98% for January, 100% for February, and 94% for March. There were no days during the first quarter of 2010 with an inch or more of rainfall that necessitated follow-up inspections.
2008 Deadlines				
CS 13	Conduct one training session regarding construction site stormwater runoff control per year for employees carrying out LFUCG's construction site stormwater runoff control program. After July 1, 2008, only inspections carried out by employees who have received such training will count as inspections meeting the requirements of Performance Standard CS-6.	7/1/08	Done for 2008, but will reoccur annually.	Two trainings were held in 2008. The first was on June 30, 2008 (to meet the 7/1/08 deadline) and another training session was held on September 2, 2008. Information about the June 30, 2008 training is in the FY 2008 MS4 Permit Annual Report.
IN 3	Compile an inventory of High-Risk Commercial Facilities by July 1, 2008. Update this inventory annually commencing in calendar year 2009.	7/1/08	Done for 2008, but will reoccur annually.	An inventory of high-risk commercial facilities was compiled by taking the list of Extremely Hazardous Substance Facilities, the list of Tier II Facilities, the list of Hazardous Waste Generators, and the list of UST locations, and then pulling out the facilities that were on properties that did not have an industrial zoning. The inventory is in the FY 2008 MS4 Permit Annual Report.
IN 7	By July 1, 2008, develop SWPPPs for any municipal waste facility that does not currently have one.	7/1/08	Done	Prior to 2008, the only two municipal waste facilities with SWPPPs were the two wastewater treatment plants. In the first half of 2008, SWPPPs were developed for the Transfer Station, the Municipal Recycling Facility, and the Haley Pike Landfill.
IDDE 7	Commencing in calendar year 2008, conduct dry weather screening at no less than 125 locations every year, which may include major outfalls and other screening points selected by LFUCG.	12/31/08	Done for 2008, but will reoccur annually.	LFUCG conducted dry weather screening at 385 locations in 2008. The results of the screening work are in the FY 2008 MS4 Permit Annual Report.
IDDE 8	Commencing in calendar year 2008, conduct dry weather screening of identified major outfalls once every two years.	12/31/09	On schedule	LFUCG conducted dry weather screening at 385 locations in 2008. There are currently 389 identified major outfalls and screening points. The results of the screening work are in the FY 2008 MS4 Permit Annual Report.
IDDE 23	Commencing in calendar year 2008, conduct one training session regarding illicit discharge detection and elimination per year for employees carrying out LFUCG's IDDE program.	12/31/08	Done for 2008, but will reoccur annually.	A two-day training session was held on July 28 and 29, 2008. Information about the training is in the FY 2008 MS4 Permit Annual Report.
IN 13	Commencing in calendar year 2008, conduct wet weather outfall monitoring once per year at municipal waste facilities.	12/31/08	Done for 2008, but will reoccur annually.	The results of the wet weather outfall monitoring at the municipal waste facilities are in the FY 2008 MS4 Permit Annual Report.

Notes: ¹Refer to the completion schedule in the transmittal letter.

MS4 Performance Standard		Completion Schedule Goal ¹	Status	Comparison of Actual Performance to Performance Standard Goal
PPRC 17	By January 31, 2009, based upon results of inspections, prepare a prioritized schedule for and perform necessary repairs, cleaning, and maintenance for those structures (in Exhibit 1 – Inspection Frequency for Stormwater Controls) for which LFUCG is responsible.	1/31/09	Done	LFUCG currently inspects detention basins twice a year and retention ponds once a month. In addition to the publicly-owned facilities, LFUCG currently maintains the structural components of residential detention basin embankments.
PPMO 12	Develop an inspection schedule for known stormwater quality controls at LFUCG facilities by January 31, 2009, and commence implementation of the inspection schedule by January 31, 2010.	1/31/09	Done, but commence implementation by 1/31/10	Each stormwater quality treatment facility on LFUCG property is inspected annually. The document describing these inspections was included in the CD Annual Report submitted on 1/29/09.
IN 1	Update the inventory of Industrial Facilities with reasonable potential to discharge pollutants to the MS4 on an annual basis commencing January 31, 2009.	1/31/09	Done, but will reoccur annually.	Received the updated inventory from KDOW in December 2008. The inventory was included in the CD Annual Report submitted on 1/29/09.
IN 2	By January 31, 2009, develop a database to track relevant information, including enforcement and corrective action, regarding Industrial Facilities and High-Risk Commercial Facilities.	1/31/09	Done	Screenshots of the database were included in the CD Annual Report submitted on 1/29/09.
IN 4	By July 1, 2009, develop and propose an ordinance to the UCC that would require regulated Industrial Facilities and locally identified High-Risk Commercial Facilities to develop and implement SWPPPs even if they are not otherwise required to have a SWPPP.	7/1/09	Done	A presentation about this ordinance was made at the UCC Work Session on June 16, 2009. The ordinance was presented to the UCC at their Work Session on June 30, 2009. The ordinance was passed by the council on July 7, 2009 and has been signed by the Mayor.
IN 12	By July 1, 2009, develop and propose an ordinance to the UCC that authorizes LFUCG to require Industrial Facilities and High-Risk Commercial Facilities with the potential to discharge pollutants in substantial amounts to the MS4 to develop and implement a stormwater monitoring program that includes providing the monitoring results to LFUCG.	7/1/09	Done	A presentation about this ordinance was made at the UCC Work Session on June 16, 2009. The ordinance was presented to the UCC at their Work Session on June 30, 2009. The ordinance was passed by the council on July 7, 2009 and has been signed by the Mayor.
IN 27	By July 1, 2009, develop and commence implementation of an Industrial and High-Risk Commercial Facility enforcement protocol for detecting and enforcing against violations of stormwater management requirements applicable to Industrial and High-Risk Commercial Facilities. The enforcement protocol shall provide for use of escalating enforcement remedies. Such protocol shall serve as a guide in LFUCG's enforcement program but shall not limit LFUCG's enforcement discretion in particular cases.	7/1/09	Done	Enforcement procedures have been clarified and strengthened in a guidance document entitled Enforcement Response Plan. In addition to the two ordinances covered in Performance Standards IN 4 and IN 12 above, a new set of ordinances covering enforcement (and illicit discharges) was presented to council in June 2009. These ordinances were passed by the council on July 7, 2009 and have been signed by the Mayor.
IDDE 7	Commencing in calendar year 2008, conduct dry weather screening at no less than 125 locations every year, which may include major outfalls and other screening points selected by LFUCG.	12/31/09	Done for 2009, but will reoccur annually.	Dry weather screening was conducted at 366 locations in 2009.
IDDE 8	Commencing in calendar year 2008, conduct dry weather screening of identified major outfalls once every two years.	12/31/09	Done for 2009, but will reoccur biennially.	The major outfall inventory identified 366 major outfall locations during the summer 2009 dry weather screening season. All 366 identified major outfalls were screened in the summer of 2009.
IDDE 23	Commencing in calendar year 2008, conduct one training session regarding illicit discharge detection and elimination per year for employees carrying out LFUCG's IDDE program.	12/31/09	Done for 2009, but will reoccur annually.	The IDDE training for 2009 was on October 22. Topics covered included types of illicit discharges, investigation tools and techniques, sampling methods and techniques, local ordinance review, spill reporting requirements, overview of pollutants and sources in Fayette County, impairments and effects on aquatic life, and a vendor demonstration on petroleum recovery.

Notes: ¹Refer to the completion schedule in the transmittal letter.

* 330-10

MS4 Performance Standard		Completion Schedule Goal ¹	Status	Comparison of Actual Performance to Performance Standard Goal
MON 11	Complete calculations of seasonal pollutant loadings and event mean concentration estimates according to the following: Town Branch and Wolf Run in calendar year 2008, South Elkhorn in calendar year 2009, Cane Run and North Elkhorn in calendar year 2010, West Hickman in calendar year 2011, and East Hickman in calendar year 2012	12/31/08	Done for 2008, but will reoccur annually	The seasonal pollutant loading and event mean concentration estimates for Town Branch and Wolf Run are in the FY 2008 MS4 Permit Annual Report.
RR 3	Complete the Annual Report each year in accordance with the schedule in the applicable KPDES permit.	1/31/09 (extension granted from original 12/31/08 deadline)	Done	Submitted January 29, 2009.
2009 Deadlines				
IDDE 6	Complete and commence implementation by January 31, 2009, of procedures for conducting inspections and investigations when monitoring data, reported incidents, or other information indicate the likely existence of an illicit discharge.	1/31/09	Done	A copy of the procedures was included in the CD Annual Report submitted on 1/29/09.
IDDE 10	Develop database to track the IDDE program by January 31, 2009.	1/31/09	Done	Screenshots of the database were included in the CD Annual Report submitted on 1/29/09.
IDDE 27	By January 31, 2009, develop and commence implementation of a protocol for elimination of confirmed illicit discharges.	1/31/09	Done	A copy of the procedures was included in the CD Annual Report submitted on 1/29/09.
CS 5	By January 31, 2009, review construction site inspection and enforcement procedures and the existing inspection checklist and develop and commence implementation of revised procedures and checklist. Revised enforcement procedures shall provide for use of escalating enforcement remedies. Such procedures shall serve as a guide in LFUCG's enforcement program but shall not limit LFUCG's enforcement discretion in particular cases.	1/31/09	Done	A new construction site inspection checklist was developed and implemented in July 2008. A guidance document was prepared that provides the regulatory basis for each item on the checklist. Inspections are conducted by staff in the Division of Water Quality and the Division of Engineering and the results are entered into a database. Enforcement procedures have been clarified and strengthened in a guidance document entitled Enforcement Response Plan. An enforcement flowchart has also been prepared.
CS 8	By January 31, 2009, develop a database to track active construction sites, inspections, and enforcement actions.	1/31/09	Done	Screenshots of the database were included in the CD Annual Report submitted on 1/29/09.
CS 15	By January 31, 2009, develop and commence implementation of procedures for summary review of construction site erosion control plans to assess whether plans reasonably include measures that address potential water quality impacts from construction prior to authorization of land disturbance.	1/31/09	Done	New procedures for reviewing erosion and sediment controls plans have been developed. The new procedures apply to plans submitted on or after February 1, 2009. The development community was informed of the new review procedures on January 16, 2009. Training sessions were held with LFUCG staff on January 22, 2009 and with the development community on February 6, 2009.
PPRC 6	By January 31, 2009, develop and propose an ordinance to the UCC that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances.	1/31/09	Done	An ordinance was presented to the Urban County Council (UCC) at their Work Session on January 27, 2009. The ordinance describes the responsibilities of the property owner and LFUCG. The ordinance was passed by the council on March 26, 2009 and has been signed by the Mayor.
PPRC 9	By January 31, 2009, develop and commence implementation of a program to maintain publicly-owned or operated stormwater controls. Such program shall address publicly-owned or operated retention ponds, detention basins, Stormceptors, catch basins, culvert inlets, and open channels. Such program shall provide for inspections in accordance with the inspection frequency outlined in Exhibit 1 – Inspection Frequency for Stormwater Controls. Such program shall further provide for the scheduling and implementation of cleaning, maintenance, and repairs determined to be necessary during inspections.	1/31/09	Done	LFUCG has clarified and updated the program for maintaining publicly-owned or operated stormwater controls. The document was included in the CD Annual Report submitted on 1/29/09. LFUCG has developed an inventory of LFUCG-owned detention basins and Stormceptors, and an inventory of privately-owned detention basins and retention ponds.

Notes: ¹Refer to the completion schedule in the transmittal letter.

MS4 Performance Standard		Completion Schedule Goal ¹	Status	Comparison of Actual Performance to Performance Standard Goal
CS 13	Conduct one training session regarding construction site stormwater runoff control per year for employees carrying out LFUCG's construction site stormwater runoff control program. After July 1, 2008, only inspections carried out by employees who have received such training will count as inspections meeting the requirements of Performance Standard CS-6.	12/31/09	Done for 2009, but will reoccur annually.	The construction site stormwater runoff control training for LFUCG staff for 2009 was on September 25. Topics covered included annual accomplishments, a review of responsibilities, the KDOW perspective, a review of the new KYR10 permit, a review of the new enforcement ordinance, and inspection issues related to the Stormwater Manual. Identified key staff also attended training sessions on the state's new construction general permit in August and a SWPPP preparer's course on November 4.
PPRC 10	Commencing in calendar year 2009, annually update the inventory and map of post-construction stormwater controls, including retention ponds, detention basins, and stormwater quality treatment facilities.	12/31/09	Done for 2009, but will reoccur annually.	Stormwater inspection staff continually update the inventory as controls are removed or as new controls are added.
IN 1	Update the inventory of Industrial Facilities with reasonable potential to discharge pollutants to the MS4 on an annual basis commencing January 31, 2009.	12/31/09	Done for 2009, but will reoccur annually.	The inventory of industrial facilities was updated in 2009 to reflect information provided by KDOW. There are 84 facilities on the 2009 inventory.
IN 3	Compile an inventory of High-Risk Commercial Facilities by July 1, 2008. Update this inventory annually commencing in calendar year 2009.	12/31/09	Done for 2009, but will reoccur annually.	The inventory of high-risk commercial facilities was updated in 2009 to reflect information obtained from site evaluations. There are 13 facilities on the 2009 inventory.
IN 10	Inspect 90% of the Industrial Facilities with reasonable potential to discharge pollutants to the MS4 once every two years, commencing in calendar year 2009.	12/31/10	On Schedule	44 industrial facilities were inspected in 2009.
IN 11	Inspect 20% of the High-Risk Commercial Facilities with reasonable potential to discharge pollutants to the MS4 each year, commencing in calendar year 2009.	12/31/09	Done for 2009, but will reoccur annually.	3 high-risk commercial facilities were inspected in 2009.
IN 13	Commencing in calendar year 2008, conduct wet weather outfall monitoring once per year at municipal waste facilities.	12/31/09	Done for 2009, but will reoccur annually.	Wet weather outfall monitoring was completed at the two WWTPs, the Municipal Recycling Facility, the Transfer Station, and the Haley Pike Landfill in October 2009.
IN 14	Commencing in calendar year 2009, conduct dry weather screening at 90% of large industrial outfalls of industrial facilities on the inventory once every two years.	12/31/10	Done for 2009, but will reoccur biennially.	This was completed in conjunction with the dry weather screening program covered in IDDE-7 and IDDE-8.
MON 11	Complete calculations of seasonal pollutant loadings and event mean concentration estimates according to the following: Town Branch and Wolf Run in calendar year 2008, South Elkhorn in calendar year 2009, Cane Run and North Elkhorn in calendar year 2010, West Hickman in calendar year 2011, and East Hickman in calendar year 2012.	12/31/09	Done for 2009, but will reoccur annually.	In 2009, the seasonal pollutant loading and event mean concentration estimates for Town Branch and Wolf Run were updated to include e.coli (per the new KPDES permit effective 9/1/09) and seasonal pollutant loading and event mean concentration estimates for South Elkhorn were computed.
2010 Deadlines				
IDDE 1	Complete review and update of current major outfall mapping and inventory by January 31, 2010.	1/31/10	Done	LFUCG reviewed Appendix G of the SWQMP along with recent additions to the inventory in late 2009. 19 locations were presented to KDOW for removal from the inventory in December 2009. Since then 3 additional sites have been identified for removal and will be presented to KDOW for removal. The current inventory stands at 366 major outfalls.
IDDE 2	Develop schedule and then field verify current major outfall mapping and inventory by January 31, 2010.	1/31/10	Done	LFUCG field verified the current mapping and inventory during the 2009 dry weather screening. As additional major outfalls are identified during the mapping of the MS4 (PPRC-11), they will be field verified prior to being added to the inventory.

Notes: ¹Refer to the completion schedule in the transmittal letter.

MS4 Performance Standard		Completion Schedule Goal ¹	Status	Comparison of Actual Performance to Performance Standard Goal
PPRC 2	By January 31, 2010, review and update, as appropriate, with the goal of improving water quality in stormwater discharges from new development and redevelopment, engineering design standards, applicable sections of the Subdivision Regulations, and the procedures for reviewing development plans for compliance with stormwater management requirements, and reevaluate every three years thereafter. Consistent with the goal of improving water quality, in conducting the review and update, and successive reevaluations, LFUCG shall also have a goal of identifying and removing any legal impediments to, and facilitating the use of, "green infrastructure" alternatives to managing post-construction stormwater, such as infiltration, reuse, and evapotranspiration	1/31/10	Done	(1) The current LFUCG stormwater management requirements for new development and redevelopment were compared to the "potential standards" and "candidate BMPs" in Chapter 4 of the document entitled "Managing Stormwater in Your Community: A Guide for Building an Effective Post-Construction Program, July 2008, by the Center for Watershed Protection (an EPA publication). (2) A new checklist has been developed for LFUCG staff reviewers that will be used to conduct a "summary plan review" of stormwater management plans. The purpose of the summary review will be to assess whether plans reasonably include measures that address potential water quality impacts from new development and redevelopment. Specifically, the plans will be reviewed to ensure they reasonably include measures that address the water quantity and water quality requirements in the LFUCG Stormwater Manual. (3) LFUCG has initiated changes to the subdivision regulations that will specifically allow the use of green infrastructure and low impact development techniques as an alternative to the use of conventional stormwater management practices. The Planning Commission has approved the changes and the Urban County Council adopted them on January 28, 2010.
PPRC 28	By January 31, 2010, develop and commence implementation of a program to require private owners of stormwater controls to conduct necessary maintenance, cleaning, and repairs of such controls. Such program shall address privately-owned retention ponds, detention basins, and other stormwater quality treatment facilities.	1/31/10	Done	LFUCG developed a policy for the repair, maintenance, and ownership of stormwater control devices in October 2009.
PPMO 12	Develop an inspection schedule for known stormwater quality controls at LFUCG facilities by January 31, 2009, and commence implementation of the inspection schedule by January 31, 2010	1/31/10	Done	The inspection schedule was revised in January 2010 and the annual inspections will commence in 2010.

Notes: ¹Refer to the completion schedule in the transmittal letter.

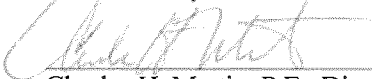


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: June 14, 2010

Re: Award of Engineering Services Agreement for Three (3) Sanitary Sewer System Assessment Final Reports and Three (3) Sanitary Sewer System and WWTP Remedial Measures Plans
CONSENT DECREE

The purpose of this Memorandum is to request a resolution authorizing award of an engineering services agreement to Hazen and Sawyer, P.S.C. for providing three (3) Sanitary Sewer System Assessment Final Reports and three (3) Sanitary Sewer System and WWTP (Wastewater Treatment Plants) Remedial Measures Plans. These final reports and plans are a required deliverable of the Consent Decree with EPA.

The scope of this project includes the consolidation of work products from several other Consent Decree projects into three final Sanitary Sewer System Assessment (SSSA) reports. These include:

- Sanitary Sewer Assessment Field Activities—Group 1, Group 2 and Group 3
- Pumping Station Design and Equipment Adequacy Evaluation
- Capacity Assessment (CA) Hydraulic Modeling

The three final SSSA Reports must be submitted to EPA for their review and comment. The reports will ultimately be used for the development of three separate Remedial Measures Plans that will serve as master plans with programmed system rehabilitation and capital improvements. EPA deadlines for the three Remedial Measures Plans are September 14, 2011, March 14, 2012, and September 14, 2012. Among other items, the three Remedial Measures Plans must:

- Describe all measures necessary to eliminate sanitary sewer overflows and bypasses within the framework of an approved level of service.
- Provide schedules for the implementation of identified remedial measures.
- Provide estimated capital, O&M and present value costs for each remedial measure.
- Provide opportunity for public input and comment.

Work associated with this agreement will be allocated via a series of written task orders. Each task order must provide a commitment of who is working on the task and how many hours they will spend on that task. The individual hourly rates are specified in the contract documents and will be applied to determine the total value of the specific task order.

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In the Sanitary Sewer Financial Model for implementation of Consent Decree requirements, \$6.9 million was budgeted for this work. The FY 2011 budget request is \$2.0 million, which reflects anticipated cash flow for the task orders in FY 2011. The balance will be requested in the FY 2012 and FY 2013 budget cycles if needed. The \$2.0 million for FY 2011 has been budgeted in: 4003 303401 3425 92811.

Questions regarding this agreement should be directed to Charles Martin at 859-425-2455.

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Rod Chervus, Division of Water Quality
LaJoyce Mullins-Williams, Division of Water Quality
Julie Mantrom, Division of Water Quality




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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan C. Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: June 21, 2010

Re: Code of Ordinances Chapter 16 – Amending Requirements for Persons Qualified to Prepare Storm Water Pollution Prevention Plans (SWPPPs)

The purpose of this memorandum is to propose an amendment to the LFUCG Code of Ordinances for the purpose of removing professional engineer's certification requirements in the preparation of industrial and high-risk commercial facility Storm Water Pollution Prevention Plans (SWPPPs). This amended ordinance will align LFUCG's requirements with Commonwealth of Kentucky requirements and eliminate conflicting requirements as applied to regulated facilities.

Questions regarding this memorandum should be directed to Charles Martin at 425-2455.

ORDINANCE NO. _____ - 2010

AN ORDINANCE AMENDING SECTION 16-90(b) AND 16-90(e) OF THE CODE OF ORDINANCES RELATED TO STORMWATER POLLUTION PREVENTION PROGRAMS AND CREATING SUB-SECTION 16-90(j) RELATED TO PREPARATION OF STORMWATER POLLUTION PREVENTION PROGRAMS.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 16-90(b) of the Code of Ordinances be and hereby is amended to read as follows:

(b) Except for industrial facilities that meet the requirements for a conditional exclusion under 40 CFR 122.26(g), the owner, operator, or manager of a industrial facility that is not required to hold a KPDES permit for stormwater discharges shall develop and submit a SWPPP and submit an electronic copy to the division of water quality by January 31 of each year thereafter. When no changes have been made to a SWPPP previously submitted in compliance with this section, only written notice so advising the division of water quality shall be submitted by January 31 each year thereafter. ~~The SWPPP shall be prepared by a Professional Engineer licensed to practice in Kentucky.~~ The SWPPP shall be prepared taking into account guidance documents from the U.S. EPA and the Kentucky Division of Water and shall contain the following:

- (1) Facility description and SWPPP contact information.
- (2) Site and activity description, including a site map.
- (3) Identification of potential stormwater pollution sources.
- (4) Description of controls to reduce pollution (structural and non-structural BMPs).
- (5) Maintenance/inspection procedures.
- (6) Records of inspections and follow-up maintenance of BMPs.
- (7) Schedule and procedures for monitoring.
- (8) Certification by the owner, operator, or manager that no illicit discharges exist.
- (9) ~~Engineer's~~ SWPPP certification statement.
- (10) Description of any changes made since the previous SWPPP was submitted.

Section 2 – That Section 16-90(e) of the Code of Ordinances be and hereby is amended to read as follows:

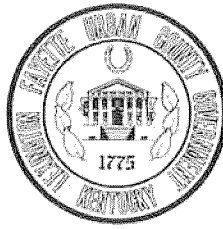
(e) The owner, operator, or manager of a high risk commercial facility shall develop and submit a SWPPP within ninety (90) days of notification by the division of water quality and submit an updated electronic copy to the division of water quality by January 31 of each year thereafter. ~~The SWPPP shall be prepared by a professional engineer licensed to practice in Kentucky.~~ The SWPPP shall be prepared based on guidance documents from the U.S. EPA and the Kentucky Division of Water and shall contain the following:

- (1) Facility description and SWPPP contact information.
- (2) Site and activity description, including a site map.
- (3) Identification of potential stormwater pollution sources.
- (4) Description of controls to reduce pollution (structural and non-structural BMPs).
- (5) Maintenance/inspection procedures.
- (6) Records of inspections and follow-up maintenance of BMPs.
- (7) Schedule and procedures for monitoring.
- (8) Certification by the owner, operator, or manager that no illicit discharges exist.
- (9) ~~Engineer's~~ SWPPP certification statement.
- (10) Description of any changes made since the previous SWPPP was submitted.

Section 3 – That Section 16-90(j) of the Code of Ordinances be and hereby is created to read as follows:

(j) SWPPPs shall be prepared by persons knowledgeable about stormwater runoff and water quality. Any Best Management Practices included in the SWPPP which require engineering design as defined in KRS 322.010 shall be designed by a professional engineer licensed to practice in Kentucky. The Director of the Division of Water Quality shall have the authority to require that plans be prepared by qualified professionals licensed to practice in Kentucky, such as a professional engineer or professional geologist, when deemed necessary by the Director to protect the health, safety, and welfare of the public. The following certification shall be signed by a responsible corporate officer. For purposes of this section, corporate officer shall mean the (1) president, secretary, treasurer, or vice-president of the corporation or (2) the manager of the facility.

I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.



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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: _____
Charles H. Martin, P.E., Director

Date: June 22, 2010

Re: Request Approval of Six (6) Class A (Neighborhood) Grant Award Agreements for Stormwater Quality Projects

The Stormwater Quality Projects Incentive Grant Program was established by Ordinance 73-2009 in Section 16-410 of the Code of Ordinances. The grant program is funded through the Water Quality Management Fee (WQMF) and administered by the Division of Water Quality. The program provides financial assistance to payers of the WQMF for projects that improve water quality, address stormwater concerns and reduce runoff, and/or educate the public on these issues.

Class A (Neighborhood) Incentive Grants are open to homeowner, neighborhood, and community associations that represent Class A parcels (i.e. single-family residential, duplexes, and farms). In FY 2011, \$260,000 for Class A Incentive Grants is budgeted in Fund 4051 303204 3373 78112.

Six (6) Class A grants have been reviewed and approved by the Water Quality Fees Board for a total of \$90,993.66. Additional Class A grant award requests will be brought to Urban County Council in August. The recommended Grant Award recipients for the first six grants are:

1. **The Gardens of Hartland Homeowners Association, Inc.** **Grant Amount: \$36,565.31**
Design and construct a 2,500 square foot multi-cell rain garden and bio-filtration water quality facility and install aquatic plants, shrubs, and trees along 150 linear feet of stream to improve water quality in the West Hickman Creek Watershed. Provide an educational workshop for the Gardens of Hartland neighborhood.
2. **Meadowthorpe Neighborhood Association, Inc.** **Grant Amount: \$29,794.00**
Develop and present educational workshops on stormwater pollution and water quality topics. Develop professional videos and an environmental website. Develop and implement a Rain Barrel/Rain Garden program for the Meadowthorpe Neighborhood to improve water quality in the Town Branch Watershed.
3. **The Woodfield Homes Association, Inc.** **Grant Amount: \$7,748.35**
Install a bottom aeration system and algae control system in the neighborhood's 1.2 acre retention pond in the West Hickman Creek Watershed to increase dissolved oxygen and improve water quality in the pond and the downstream receiving system.
4. **The Living Arts and Science Center, Inc.** **Grant Amount \$6,886.00**
Develop and present educational workshops for the residents of the Martin Luther King Neighborhood. Implement a Rain Barrel/Rain Garden program for the neighborhood to improve water quality in the Town Branch and Cane Run Watersheds.

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5. **Friends of Wolf Run, Inc.** **Grant Amount: \$5,000.00**
Perform water sampling in the Wolf Run Watershed, and analyze for specific human pathogens and waterborne disease through the University of Kentucky clinical laboratory. Survey healthcare practitioners for evidence of waterborne disease in patients. Provide educational programming for the local health community and public related to the findings of the study.
6. **Friends of Wolf Run, Inc.** **Grant Amount: \$5,000.00**
Perform stream cleaning, invasive species management, and planting of native species along 8 stream reaches within the Wolf Run Watershed and develop volunteer group leadership for future efforts.

Questions regarding these agreements should be directed to Charles Martin at 859-425-2455.

Attachment

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, Division of Water Quality




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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry and Urban County Council
FROM : 
Susan Bush, Acting Commissioner
Department of Environmental Quality
DATE: June 16, 2010
RE: Baler Reliner for Materials Recovery Facility (MRF) Plant Expansion

The Division of Waste Management is requesting that the sole source manufacturer, IPS Balers, Inc., be selected to reline the baler at the MRF as they are the manufacturers of the baler located at the MRF. The baler is the terminus for the entire production line at the Materials Recovery Facility.

The baler compacts and binds all of the steel cans, aluminum cans, plastics, and fiber board, comprising approximately 60% or more of the materials processed. The upgrade to the new Machinex sorting line did not include a new baler given that the existing baler was still functional.

Abrasion from the pushing of materials through the chamber, ranging from the cardboard, plastics and steel cans to broken glass and dirt, wore down the internal surfaces of the baler. The baler in its current condition is a serious bottle neck to the new, faster Machinex processing line. Not only does a jammed baler stop the final step of the process, it also has to be cleared, which requires stopping the conveyor feeding the line, shutting off the baler, and physically getting into the baler to release the jammed material. The relining of the baler is absolutely essential to the keeping the new processing line running.

This is a sole-source project because it is the original manufacturer that will perform the relining. This procedure requires the restoration of the internal surfaces to their original state. Only the actual manufacturer can perform such a task with the precision and quality necessary to keep an integral component of the line functioning properly.

This project is fully-budgeted and will be funded through the Urban Service Area fund.

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PARTS/LABOR QUOTE

REVISED
REVISED WITH LABOR AND EQUIPMENT

IPS BALERS INC.

396 Frost Industrial Blvd.
Baxley, GA 31513
912-366-9460 ph.
912-366-9559 fax

DATE: 6/16/10

TO: LFUCG RECYCLING CENTER

MODEL: TR-1388-100

SERIAL: 5061

CONTACT: James Carter

PHONE:

FAX:

FED ID# 26-2782195

QTY	Description	Part #	Price Each	Total
	GATHERER RAM LINERS			
1	GATHERER RAM LINERS	M01012A	\$ 828.00	\$ 828.00
2	LINER SIDE	M01150A	\$ 832.50	\$ 1,665.00
4	LINER-BOTTOM STRIP	M01150B	\$ 441.00	\$ 1,764.00
1	LINER-BOTTOM SUB-LINER	M01150C	\$ 2,209.50	\$ 2,209.50
2	LINER REAR SIDE STRIP	M01150D	\$ 180.00	\$ 360.00
2	KNIFE BLADE	M01013A	\$ 821.00	\$ 1,642.00
8	KNIFE BOLT	100060	\$ 48.00	\$ 384.00
8	KNIFE NUT	100062	\$ 6.00	\$ 48.00
	SHEAR BEAM KNIFE ASSEMBLY			
4	22 GA. KNIFE SHIM	M01101A	\$ 25.00	\$ 25.00
4	16 GA. KNIFE SHIM	M01101B	\$ 25.00	\$ 25.00
4	11 GA. KNIFE SHIM	M01101C	\$ 25.00	\$ 25.00
4	SHEAR KNIFE	M01031A	\$ 657.00	\$ 2,628.00
8	KNIFE BOLT	100061	\$ 48.00	\$ 384.00
8	NUT	100062	\$ 6.00	\$ 48.00
	EJECTOR RAM LINERS			
1	LINER FACE	M01199A	\$ 688.50	\$ 688.50
2	LINER FRONT TOP/BOTTOM	M01199B	\$ 270.00	\$ 540.00
1	LINER SIDE, LONG	M01017C	\$ 1,476.00	\$ 1,476.00
1	LINER SIDE, SHORT	M01017D	\$ 724.50	\$ 724.50
2	LINER TOP/BOTTOM STRIP, LONG	M01017E	\$ 261.00	\$ 522.00
2	LINER TOP/BOTTOM STRIP, SHORT	M01017F	\$ 103.50	\$ 207.00
	BALE DOOR LINERS			
1	LINER FACE	M01060A	\$ 211.50	\$ 211.50
1	LINER SIDE	M01060B	\$ 900.00	\$ 900.00
2	LINER TOP/BOTTOM NARROW	M01060C	\$ 81.00	\$ 162.00
2	LINER TOP/BOTTOM WIDE	M01060D	\$ 252.00	\$ 504.00
	RIGHT HAND FRAME LINERS			
1	GATHERER HOLD DOWN (BALERS W/O LID M0113)	M01082A	\$ 108.00	\$ 108.00
2	LINER, HOLD DOWN (BALERS W/O LID M01137B)	M01082B	\$ 18.00	\$ 36.00
2	LINER, GATHERER GUIDE	M01062B	\$ 459.00	\$ 918.00
1	LINER, CHARGE BOX SIDE RIGHT	M01062A	\$ 1,948.50	\$ 1,948.50
1	LINER, CHARGE BOX SIDE LEFT	M01062C	\$ 2,052.00	\$ 2,052.00
2	LINER, PRESS BOX BOTTOM	M01062D	\$ 1,777.50	\$ 3,555.00
2	LINER, CHARGE BOX FLOOR FRONT/REAR	M01062E	\$ 3,001.50	\$ 6,003.00
1	LINER, PRESS BOX END WALL	M01062F	\$ 1,863.00	\$ 1,863.00
6	LINER, CHARGE BOX STRIP FRONT/REAR	M01062G	\$ 189.00	\$ 1,134.00
2	LINER, DOOR GUIDE	M01062H	\$ 297.00	\$ 594.00
4	LINER, PRESS BOX, EJECTOR TOP/BOTTOM	M01062J	\$ 63.00	\$ 252.00
2	LINER, PRESS BOX, BOTTOM/DOOR	M01062M	\$ 4.50	\$ 9.00
1	LINER, PRESS BOX TOP	M01201A	\$ 1,705.50	\$ 1,705.50
1	LINER, EJECTOR GUIDE	M01201B	\$ 1,431.00	\$ 1,431.00
1	LINER, PRESS BOX, EJECTOR SIDE WALL (VERTIC	M01201C	\$ 436.50	\$ 436.50
1	LINER, PRESS BOX, SIDE WALL (HORIZONTAL)	M01201F	\$ 292.50	\$ 292.50
1	LINER, PRESS BOX, TOP/DOOR	M01201D	\$ 22.50	\$ 22.50
2	LINER, DOOR GUIDE	M01201E	\$ 292.50	\$ 585.00

NOTES: If applicable, total price does not include Sales Tax
SHIPPING IS NOT INCLUDED IN THIS QUOTE

LIST PRICE	FOR PARTS	\$ 40,916.50
	LESS 20%	(\$8,183.30)
		\$ 32,733.20
TOTAL PRICE FOR LABOR		\$ -
SHIPPING		\$ 500.00
TOTAL PRICE		\$ 33,233.20



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

My division/department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the LFUCG. I know of no conflict of interest on my part, and I have no personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials, persons or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

1. Describe the product or service and list the necessary features this product provides that are not available from any other option.

Baler Reliner that compacts & binds all of the steel cans, aluminum cans, plastics and fiber board comprising approximately 60% or more of the materials processed.

2. Below are eligible reasons for sole source. Check one and describe.

☐ Licensed or patented product or service. No other vendor provides this. Warranty or defect correction service obligations to the consultant. Describe why it is mandatory to use this licensed or patented product or service.

☒ Existing LFUCG equipment, inventory, custom-built information system, custom-built data inventory system, or similar products or programs. Describe. If product is off-the-shelf, list efforts to find other vendors (i.e. web site search, contacting the manufacturer to see if other dealers are available to service this region, etc.)

Original Manufacturer who is the only one who can perform this task with precision & quality

☐ Uniqueness of the service. Describe. necessary to keep an integral component of the line functioning properly.

☐ The LFUCG has established a standard for this manufacturer, supplier, or provider and there is only one vendor. Attach documentation from manufacturer to confirm that only one dealer provides the product.

☐ Factory-authorized warranty service available only from this single dealer. Sole availability at the location required. Describe.

☐ Used item with bargain price (describe what a new item would cost). Describe.

☐ Other – The above reasons are the most common and established causes for an eligible sole source. If you have a different reason, please describe:

-

**JUSTIFICATION FOR SOLE SOURCE CERTIFICATION**

3. Describe efforts to find other vendors or consultants (i.e. phone inquiries, web site search, contacting the manufacturer to see if other dealers are available to service region, etc.).

No other Manufacturer can reline this baler.

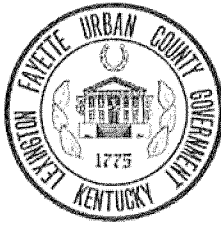
4. How was the price offered determined to be fair and reasonable?

(Explain what the basis was for comparison and include cost analyses as applicable.)

The baler upgrade would \$153,000, a new baler solution would \$500,000, so this results in the best alternative to resolve the issue.

5. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

If the baler fails, we will lose \$0,000 - \$10,000 a day.



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 22, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
PURCHASE OF SERVICE AGREEMENT IN THE AMOUNT OF
\$166,960 WITH LEXINGTON-FAYETTE URBAN COUNTY
HUMAN RIGHTS COMMISSION**

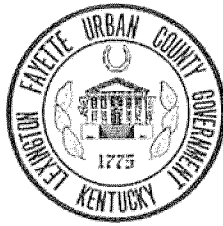
The proposed FY 2011 General Fund budget provides for \$166,960 to support the operating costs of the Lexington-Fayette Urban County Human Rights Commission. The agency will continue to safeguard all individuals within Lexington-Fayette County from discrimination based on race, color, religion, national origin, sex, age, disability, familial status and sexual orientation/gender identity in connection with housing, employment and public accommodations and to effect the provisions and purposes of the Kentucky Civil Rights Act (KRS Chapter 3444), Urban County Ordinance 199-94 and 201-99, provision 7.17 of the Lexington-Fayette Merger Charter of 1974, and any other laws enacted by the Lexington-Fayette Urban County relating to the Commission.

Council authorization to execute agreement is requested, subject to the availability of sufficient funds in FY 2011.



Irene Gooding, Acting Director

Xc: Linda L. Rumpke, Commissioner of Finance and Administration



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 22, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
PURCHASE OF SERVICE AGREEMENT IN THE AMOUNT OF
\$29,660 WITH ROAD TO HOMEOWNERSHIP, INC.**

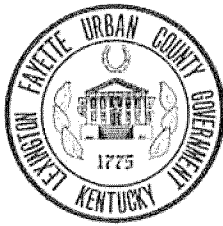
The proposed FY 2011 General Fund budget provides for \$29,660 to support the operating costs of the Road to Homeownership, Inc. The agency will provide homeownership educational programs to economically disadvantaged and low-moderate income families.

Council authorization to execute agreement is requested, subject to the availability of sufficient funds in FY 2011.



Irene Gooding, Acting Director

Xc: Linda L. Rumpke Commissioner of Finance and Administration



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

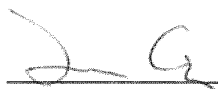
**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 22, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
PURCHASE OF SERVICE AGREEMENT IN THE AMOUNT OF
\$61,510 WITH URBAN LEAGUE OF LEXINGTON-FAYETTE
COUNTY**

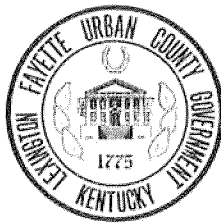
The Proposed FY 2011 General Fund budget provides for \$61,510 to support the operating costs of the Urban League of Lexington-Fayette County. The agency will use the funds to continue to fund an Administrator of Development that will work internally to improve all existing initiatives through added program support; in addition to advancing the decisive, external impact the Urban League has historically and consistently contributed to the community

Council authorization to execute agreement is requested, subject to the availability of sufficient funds in FY 2011.



Irene Gooding, Acting Director

Xc: Linda L. Rumpke, Acting Commissioner of Finance and Administration



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor
Council Members

FROM:


Leslie Jarvis, Acting Director
Division of Human Resources

DATE: June 23, 2010

RE: Abolish/Create— Division of Human Resources

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Human Resources Analyst (Grade 115E) and create one (1) position of Payroll Analyst (Grade 115E) in the Division of Human Resources, effective upon passage of Council.

The change is request due to a structural change in the Division. This position creates one point of contact as a PeopleSoft expert to answer questions regarding time and labor, provide training on PeopleSoft, and insure that materials for end users are consistent and correct. The position will serve as a liaison between Divisions and the Division of Human Resources.

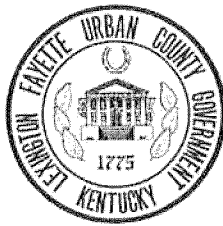
There is no fiscal impact associated with this action for FY 11 is budget neutral.

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment
/df

cc: Linda Rumpke, Commissioner, Department of Finance and Administration
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log 10-0064



290-10

44

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: MAY 26, 2010

**SUBJECT: AUTHORIZATION TO EXECUTE AGREEMENT WITH OMNISOURCE
INTEGRATED SUPPLY, LLC, FOR INVENTORY SERVICES UNDER
THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROJECT—
RFP 14-2010**

On November 19, 2009 (Ordinance # 241-2009), the Urban County Council approved acceptance of award from the Kentucky Office of Homeland Security of federal funds for continuation of the Metropolitan Medical Response System (MMRS). This program provides funding and support to jurisdictions to develop plans, conduct training and exercises, and to acquire pharmaceuticals and equipment to achieve the capability necessary to respond to a mass casualty event. A necessary component of this project is a contractual Inventory and Equipment Specialist to maintain supplies and equipment. In response to a Request for Proposals (RFP 14-2010), three proposals were received. Omnisource met all requirements and submitted the lowest cost. Funds in the amount of \$20,000 will come from Fiscal Year 2010 Metropolitan Medical Response System project. Federal funds in the amount of \$30,000 to be received in Fiscal Year 2011 will also be used for Inventory and Equipment Specialist.

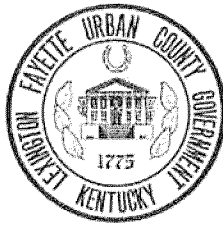
Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3200	505205	0001	71299	MMRS_2010	FED_GRANT	2010	\$20,000

Council authorization to execute agreement with OmniSource Integrated Supply, LLC, is hereby requested.


Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety



333-10 45

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 22, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT YOUTH
FOOTBALL EQUIPMENT GRANT FROM USA FOOTBALL FOR
THE DIVISION OF POLICE—POLICE ACTIVITIES LEAGUE
PROJECT—FY 2011**

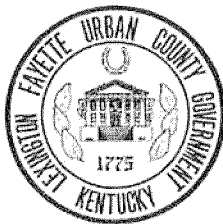
USA Football has offered the LFUCG an equipment grant valued at \$1,000 for the Division of Police—Police Activities League project. The LFUCG Division of Police through its Bureau for Community Services sponsors athletic and educational programs for low-income youth. Football has been an athletic program that has been successfully offered to low-income youth who would otherwise not have the opportunity to play.

USA Football will provide football helmets valued at \$1,000.

Council authorization to accept the award is hereby requested.

Irene Gooding, Acting Director

Sc: Tim Bennett, Commissioner of the Department of Public Safety



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350-10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 23, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY OFFICE OF
HOMELAND SECURITY FOR EXTENSION OF PORTABLE
INTEROPERABLE COMMUNICATIONS TOWER PROJECT**

On November 20, 2008, (Ordinance No. 255-2008), Council approved the acceptance of an award of federal funds in the amount of \$124,275 from the Kentucky Office of Homeland Security for the purchase of Portable Interoperable Communications infrastructure and related equipment for the Division of Emergency Management/911. This agreement expires on June 30, 2010.

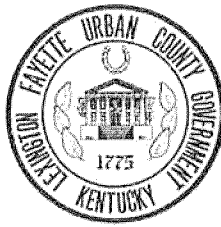
The Kentucky Office of Homeland Security has offered the LFUCG a modification extending the performance period through December 31, 2010, in order to complete the project.

Council authorization to execute the agreement is hereby requested.



Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



351-10

47

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 23, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF
FEDERAL FUNDS ON BEHALF OF THE U.S. ATTORNEY'S OFFICE —
EASTERN DISTRICT OF KENTUCKY FOR A 2010 PROJECT SAFE
NEIGHBORHOODS GRANT— FY 2011**

The U.S. Attorney's Office— Eastern District of Kentucky has been selected to receive federal funds from the U.S. Department of Justice under the 2010 Project Safe Neighborhoods Grant Program. The purpose of this project is to support new and expanded Project Safe Neighborhoods (PSN) activities. These new funds will allow local PSN task forces to combat gun and gang violence by building on the effective strategies and partnerships developed with previous PSN funding. The Project Safe Neighborhood program brings together federal, state and local law enforcement and communities in a unified effort to reduce gun and crime across America. On June 10, 2010 (Resolution No. 326-2010), Council approved the submission of a grant application in the amount of \$90,054. The Lexington Fayette Urban County Government will serve in the capacity of fiscal agent. No matching funds are required. 326-010

Funds will be used for training for law enforcement, overtime for police officers in local and state law enforcement agencies, and to provide local prosecutors with financial assistance to expand prosecution efforts throughout the 67-county area.

Council authorization to accept the award of federal funds hereby requested.



Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety



34 1-10

48

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

To: Mayor Jim Newberry
Urban County Council

From: David Jarvis,
Director, Division of Code Enforcement

Date: June 22, 2010

The Division of Code Enforcement would like to request to amend sub-section 12-1(b) PM 106.4 of the code of ordinances to allow for the imposition of civil penalties per individual structure or dwelling unit per parcel of land. This would allow Code Enforcement to treat each structure as an individual violation and issue fines accordingly. This amendment will assist in dealing with large parcels of property that have become a public nuisance to the community. This amendment would cap the civil penalty to \$10,000 (dollars) per parcel per occurrence.

David Jarvis, Director
Division of Code Enforcement

ORDINANCE NO. _____ - 2010

341-10

AN ORDINANCE AMENDING SUBSECTION 12-1(b) PM-106.4.1 OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO CLARIFY THAT THE PENALTIES MAY APPLY TO EACH STRUCTURE OR DWELLING UNIT LOCATED ON THE REAL PROPERTY AND THAT THE MAXIMUM CIVIL PENALTY SHALL BE \$10,000.00 FOR EACH PARCEL OF REAL PROPERTY; AMENDING SUBSECTION 12-1(B) PM-107.2(6) TO CHANGE \$1,000.00 TO \$10,000.00 PER PARCEL OF REAL PROPERTY; ALL EFFECTIVE ON AUGUST 1, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That subsection 12-1(b) PM-106.4.1(b) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

PM-106.4.1

(b) As an alternative remedy to subsection (a), any person, firm or corporation who violates any provision of this code may be subject to civil penalties of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) per parcel of real property for each separate instance in which civil penalties are imposed. [two thousand dollars (\$2,000.00)] Such penalties may be assessed on an individual structure or dwelling unit basis, pursuant to the civil penalty guidelines as set forth below. In addition, the urban county government may assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00). Each day that a violation continues after due notice has been served, as provided herein, shall be deemed a separate offense.

TABLE INSET:

Number of Inspections After Time Provided By Code Enforcement to Come into Compliance Elapses					
Number of Violations at Time of Inspection	1	2	3	4	5+
1-5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6-10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
11-15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
16-20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21 or more	\$500.00	\$750.00	\$1,000.00	\$1,500.00	\$2,000.00

341-10

Section 2 - That subsection 12-1(b) PM-107.2(6) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

PM-107.2

6. Include a statement to the effect that civil penalties of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) per parcel of real property ~~[one thousand dollars (\$1,000.00)]~~ may be imposed if the person fails to comply with the correction order.

Section 3 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4 - That this Ordinance shall become effective on August 1, 2010.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

00264087



334-10 51


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry

FROM: Marwan Rayan, P.E.
Urban County Engineer 

DATE: June 18, 2010

RE: Bridge Posting Requirements

We are requesting that the Mayor and Council authorize the signing of the attached "Statement of Compliance" for bridge posting in Fayette County.

Each year the Kentucky Department of Highways informs the LFUCG of our bridge weight limit posting needs. According to the attached memo from Mr. James E. Ballinger, P.E., Chief District Engineer, one bridge was found to be deficient, the Grimes Mill Bridge (CR 034-5122-C00010). The deficiency was due to one of the posting signs being vandalized with paint. The Division of Traffic Engineering has replaced the sign and verified all other posting locations. With the sign for the Grimes Mill Bridge replaced, all bridges requiring posting in Fayette County were found to be properly posted, and therefore, are in compliance with the "National Bridge Inspection Standards, Bridge Posting Requirement". In order to remain in compliance with and be eligible to receive Federal Bridge Rehabilitation or Replacement funds, we must sign and return the attached form as soon as possible.

After signing, please return the form to us, and we will get it to the appropriate State personnel. Please contact Mr. Andrew Grunwald, P.E. or myself if you need additional information.

MR:AG

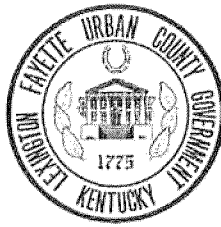
Attachment

C: Bob Bayert, P.E.
Andrew Grunwald, P.E.
File

10.1000.116.Bridge Posting Requirements6-18-10.doc

Bridge Posting Correlation

Transportation Cabinet #	Limit	Lexington Street	Posted
CR 034-5001-C00001	15	Hume Road	Yes
CR 034-5121-C00009	15	McCall's Mill Road	Yes
CR 034-5122-C00010	3	Grimes Mill Road	Yes
CR 034-9999-C00038	15	Malibu Drive	Yes
CR 034-9999-C00045	15	Beacon Hill	Yes



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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 21, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 6 WITH NESBITT ENGINEERING, INC. IN THE AMOUNT OF \$32,000.00
FOR MEADOWS/NORTHLAND/ARLINGTON PUBLIC IMPROVEMENTS
DESIGN PHASE 3**


The Division of Engineering has recommended the execution of change order No. 6 for \$32,000.00 with Nesbitt Engineering, Inc. for design of Meadows/Northland/Arlington Public Improvements Project, Subphase 3D. The new contract total is \$260,458.78.

The change order provides for stormwater, roadway, curb, gutter, and sidewalk improvements along Morgan Avenue and adjoining portions of Oak Hill Drive. The change order also provides for a revision of the design in the interest of reducing the impact of the improvements on residential front lawns and driveways. The Division of Community Development concurs with the Division of Engineering's request.

Sufficient funds are budgeted in the following account:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3120	303202	3211	91713	CDBG-2010	2010	C03

Council authorization to execute Change Order No. 6 to agreement with Nesbitt Engineering, Inc. in the amount of \$32,000.00 is hereby requested.


Irene Gooding, Acting Director

Cc: Division of Engineering
Mike Webb, Commissioner of the Department of Public Works

AMENDMENT NO 6

**Meadows-Northland-Arlington
Neighborhood Improvement Project
Phase 3
Contract Dated July 16, 2002
Resolution No 419-2002
Purchase Order No. K71811
Requisition No. 187629
Fund 902-491-950-910 8701**

Purpose/Reason for Amendment

Assemble Plans, Update Plans, and Prepare Bid Package for Phase 3B, C, D Lettings.

Original Contract Amount	\$99,930.00
Amendment No. 1 (Ordinance No. 43-2003; dated 2/20/2003)	52,238.00
Amendment No. 2 (Resolution No. 1770-2004; dated 4/8/2004)	17,500.00
Amendment No. 3 (Resolution No. 204-2005; dated 4/21/2005)	3,190.78
Amendment No. 4 (Resolution No. 584-2007; dated 11/1/2007)	32,100.00
Amendment No. 5	23,500.00
Amendment No. 6	<u>32,000.00</u>
NEW CONTRACT AMOUNT	\$260,458.78

OWNER:

Jim Newberry, Mayor

Attest

Date: _____

CONSULTANT:

Paul D. Nesbitt, President
Nesbitt Engineering, Inc.

Attest

Date: 6/18/10

CONTRACT HISTORY FORM

336-10 55

Contractor: NESBITT ENGINEERING

Project Name: MEADOWS-NORTHLAND-ARLINGTON NEIGHBORHOOD IMPROVEMENT PHASE 3

Contract Number and Date: 4803 (16 JULY 2002)

Responsible LFUCG Division: DIVISION OF ENGINEERING (ON BEHALF OF DIVISION OF COMMUNITY DEVELOPMENT)

CHANGE ORDER DETAILS

A. Original Contract Amount: \$99,930.00

Next Lowest Bid Amount:
\$ N/A

B. Amount of Selected Alternate or Phase: \$ N/A

C. Cumulative Amount of All Previous Alternates or Phases: \$ N/A

D. Amended Contract Amount: \$228,458.78

E. Cumulative Amount of All Previous Change Orders: \$128,528.78 56.26 %
(Line E / Line D)

F. Amount of This Change Order: \$32,000.00 14.01 %
(Line F / Line D)

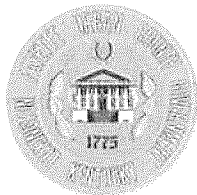
G. Total Contract Amount: \$260,458.78

SIGNATURE LINES

Project Manager: William A. Bowie, Jr. Date: 18 JUNE 2010

Reviewed by: Robert A. Bayt Date: 6/18/10

Division Director: MA Raig Date: 6/18/10



337-10 56


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Marwan A. Rayan, P.E. 
Urban County Engineer

DATE: June 21, 2010

RE: Amendment No. 3 to Design Contract
Comprehensive Sanitary Sewer Project

The Division of Engineering would like to request a modification to the design contract with GRW Engineers, Inc., in the amount of \$29,800, to continue design and administrative services for the referenced, ongoing project.

This contract work began in 1999 to provide the planning, analysis and preliminary engineering that would determine the scope of services required for the full design of Phase 1 sanitary sewer capital projects in unsewered areas. The conclusion of that work estimated the effort required to provide full design for all Phase 1 areas, resulting in the first contract amendment in May, 2000, for a total contract amount of \$710,188.

By 2002, with designs virtually complete and the various project costs known, the Urban County Government and GRW Engineers began an extensive quest for an appropriate funding mechanism. After several years of evaluation with no workable financial solutions found, two successful grant applications were filed for Kentucky Infrastructure Authority (KIA) funding. The need for design and administrative services continued during the subsequent construction of sanitary sewer systems for Bracktown, the Wilderness Road/Woodward Lane area, Old Paris Road (2000 Block), Cadentown, and Versailles Road (1800 Block), resulting in a second contract amendment in November 2007—in the amount of \$84,000—that yielded a total contract amount of \$794,188.

The preparation of a bid package for the upcoming Beverly Avenue/Old Paris Road (2100/2200 Block) project area will require an additional \$10,800 for the preparation of 12 easements and the design of a force main that are not covered in the original contract as currently amended; and the completion of the final portion of the Wilderness Road/Paradise Lane sanitary sewer improvements will require an additional \$19,000 for redesign efforts stemming from easement negotiations. Therefore, the Division of Engineering recommends approval of this design contract modification, which includes both design contract increases for a total of \$29,800. Funds are budgeted within 4003-303202-3223-91715.

Attachments

MAR:WAB:NDF

C: Michael Webb Charles Martin, P.E. Robert Bayert, P.E., P.L.S.
Rodney Chervus, P.E. William Bowie, P.E., P.L.S. File

2010.P366.403.cssp0617

CONTRACT HISTORY FORM

337-10 57

Contractor: CRW ENGINEERS, INC.
Project Name: COMPREHENSIVE SANITARY SEWER PROJECT — REMAINING
UNSEWERED AREAS (LFUCG PROJECT NO. 366)
Contract Number and Date: CONTRACT #4150 (JUNE 17, 1999)
Responsible LFUCG Division: ENGINEERING

CHANGE ORDER DETAILS

A. Original Contract Amount: \$128,000.00
Next Lowest Bid Amount:
\$ N/A
B. Amount of Selected
Alternate or Phase: \$ N/A
C. Cumulative Amount of
All Previous Alternates or
Phases: \$ N/A
D. Amended Contract Amount: \$794,188.00
E. Cumulative Amount of
All Previous Change Orders: \$666,188.00 83.88 %
(Line E / Line D)
F. Amount of This Change Order: \$29,800.00 3.75 %
(Line F / Line D)
G. Total Contract Amount: \$823,988.00

SIGNATURE LINES

Project Manager: William A. Bowie, Jr. Date: 21 JUNE 2010
Reviewed by: Robert A. Bay Date: 6/22/10
Division Director: M. H. Ray Date: 6/22/10

**AMENDMENT NO. 3
ENGINEERING SERVICES AGREEMENT
COMPREHENSIVE SANITARY SEWER PROJECT:
REMAINING UNSEWERED AREAS
LFUCG RESOLUTION NO. 330-99**

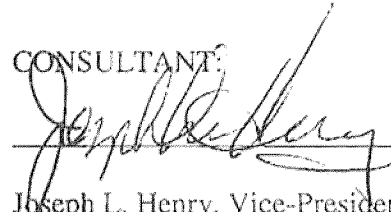
The following items amend the Engineering Services Agreement, Comprehensive Sanitary Sewer Project: Remaining Unsewered Areas, LFUCG Resolution No. 330-99:

1. Add the following paragraphs to Section 2:
 - 2.4 The Consultant shall perform additional work on the project, outlined in a copy of an enclosed letter dated June 11, 2010 (Exhibit B).
2. Add the following paragraphs to Section 5.1.2 of the Engineering Services Agreement:
 - 5.1.2.2 The Consultant shall be reimbursed \$29,800. for additional work in accordance with Exhibit B.

In Witness Whereof, the parties hereto have made and executed this amendment to the Engineering Services Agreement on this day, _____, 2010:

OWNER:

CONSULTANT:

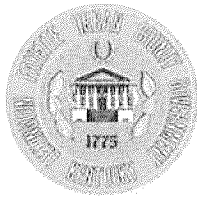


Joseph L. Henry, Vice-President

GRW Engineers, Inc.

801 Corporate Dr.

Lexington, KY 40503



346-10 59


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray 
Engineering Technician Principal

Date: June 22, 2010

Re: Resolution Authorizing Acceptance of Properties for the establishment of the
Isaac Murphy Memorial Art Garden Trailhead

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds for the fee simple acquisition of properties from the owners of record at the intersection of East Third Street, Midland Avenue, and Winchester Road for the establishment of the Isaac Murphy Memorial Art Garden Trailhead at no cost to LFUCG. This park is part of the Legacy Trail walking and bike trail now under construction. The park will become part of the park system and future maintenance will be provided by the Division of Parks and Recreation.

Acceptance of the deeds is recommended.

Approved by:



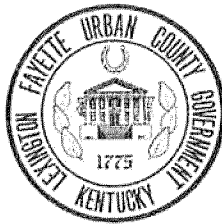
Marwan A. Rayan, P.E.
Urban County Engineer



James M. Webb, Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone Jerry Hancock File
c/wo att: Robert Bayert, P.E. Keith Lovan, P.E.

10.P586.406.blue sheet req immag



347-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 22, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT
NO. 2 TO AGREEMENT WITH HDR ENGINEERING (FORMERLY QUEST
ENGINEERS, INC.) FOR DESIGN OF CITATION BOULEVARD PHASE II**

On September 5, 2001 (Resolution # 515-2001), Council approved execution of an Engineering Services Agreement with Quest Engineers, Inc., in the amount of \$768,025 for the design of Citation Boulevard Phase II (Southern Railroad to Leestown Road).

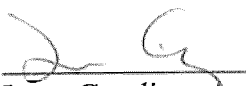
Change Order No. 1 in the amount of \$149,282 was approved by Council on November 20, 2008 (Resolution No. 674-2008).

Change Order No. 2 in the amount of \$62,500 has been negotiated by the Division of Engineering and approved by the Kentucky Transportation Cabinet. Change Order No. 2 provides for three project modifications. These are: new updates to the construction plans to accommodate new drainage facilities in the immediate project area, location on the project plans of new public utilities that cross the project area, and updating of plats for public acquisition for additional 27 parcels. New total is \$979,807.00.

Funds are budgeted as follows:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	CIT_BLVD_2002	2002	FED_GRANT

Council authorization to execute Amendment No. 2 with HDR Engineering, Inc (formerly Quest Engineers, Inc.) is hereby requested.


Irene Gooding, Acting Director

Xc: James M. Webb, Commissioner of the Department of Public Works and Development

AMENDMENT NO. 2
Citation Boulevard Phase II
Contract Dated September 5, 2001

347-10 61

Purpose/Reason for Amendment:

The purpose will be to amend HDR Engineering, Inc. (formerly Quest Engineers, Inc.) design contract to provide the project with three modifications to the original scope. First, construction of new drainage facilities within the immediate project area (Parcel 122) required updates to the construction plans (terrain, pipe sheets, plan sheets, and quantities). Second, new development has increased the need for public utilities which cross the project limits. These additional public utilities must be located and placed on the construction plans. Third, the plats for public acquisition were in need of updating before right-of-way can be acquired (30 original parcels, 57 current parcels).

Original Contract Amount\$ 768,025.00

Amendment No. 1\$ 149,282.00

Amendment No. 2\$ 62,500.00

NEW CONTRACT AMOUNT\$ **979,807.00**

Owner:

Consultant:

Jim Newberry

Mayor
Lexington Fayette Urban County Government
200 East Main Street, 12th Floor
Lexington, Kentucky, 40507



Charles R. Scroggin, P.E.

Sr. Vice President
HDR Engineering, Inc.
2517 Sir Barton Way
Lexington, Kentucky, 40509-2275

Attest



Attest

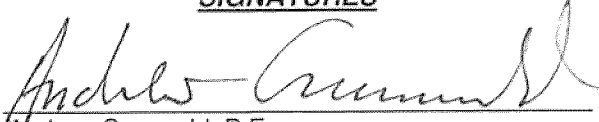
CONTRACT HISTORY FORMProject Name: Citaion Boulevard Phase IIContractor: HDR/Quest EngineeringContract Number and Date: 4616September 5, 2001Responsible LFUCG Division: Division of Engineering**CONTRACT AND CHANGE ORDER DETAILS**A. Original Contract Amount: \$ 768,025.00Next Lowest Bid Amount:
N/A

B. Amount of Selected Alternate or Phase: \$ _____

C. Cumulative Amount of All Previous Alternates or Phases: \$ _____

D. Amended Contract Amount: \$ 768,025.00E. Cumulative Amount of All Previous Change Orders: \$ 149,282.00 19.4%
(Line E / Line D)F. Amount of This Change Order: \$ 62,500.00 8.1%
(Line F / Line D)G. Total Contract Amount: \$ 979,807.00**SIGNATURES**

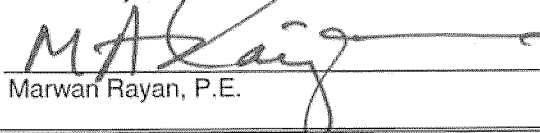
Project Manager:

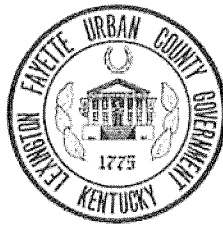

Andrew Grunwald, P.E.Date: 6/21/2010

Reviewed by:


Robert Bayert, P.E.Date: 6/22/10

Division Director:


Marwan Rayan, P.E.Date: 6/22/10



349-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: JUNE 23, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF
FEDERAL FUNDS FROM THE KENTUCKY TRANSPORTATION
CABINET FOR LEGACY TRAIL ENHANCEMENTS**

The Lexington-Fayette Urban County Government has been awarded federal funds in the amount of \$500,000 from the Kentucky Transportation Cabinet, under the Transportation, Community, and Systems Preservation (TCSP) program. Funds will be used for trail amenities and enhancements for Phases 1, 2, and 3 of the Legacy Trail and for the trailhead located at the Isaac Murphy Memorial Art Garden. The amenities include interpretive signage, limestone features and hardscapes, crosswalk enhancements, trail head enhancements which includes: landscaping, benches, bike racks, and vertical path markers.

These funds require a 20% match in the amount of \$125,000. This match will come from state funds awarded to the LFUCG for infrastructure improvements for the Isaac Murphy Memorial Art Garden. Total project cost is \$625,000.

Council authorization to accept federal funds is hereby requested.



Irene Gooding, Acting Director

Xc: James M. Webb, Commissioner of the Department of Public Works and Development



352-10 64

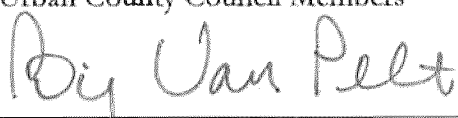
Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

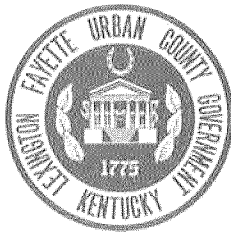
TO: Mayor Jim Newberry
Urban County Council Members

FR: 
Billy Van Pelt, Project Manager
Distillery District Public Improvements Program

DATE: June 23, 2010

RE: **Authorization to execute the Engineering Services Agreement for the
Distillery District Public Improvements Program**

This is to request a resolution authorizing the Mayor to execute the *Engineering Services Agreement* between the Lexington-Fayette Urban County Government and Strand Associates, Inc. for the Distillery District Public Improvements Program. The purpose of this agreement is for the Manchester streetscape design and for the design and construction of a portion of the Town Branch Trail.



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354-10

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Commissioners's Office

Department of Public Works

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: GEORGE MILLIGAN, ADMINISTRATIVE OFFICER
DEPARTMENT OF PUBLIC WORKS**

DATE: June 23, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
CHANGE ORDER NO. 1 WITH L-M PARTNERS, LTD dba ATS
CONSTRUCTION IN THE AMOUNT OF (\$ 9,295.01) FOR THE
LEXINGTON STREETSCAPE PHASE ONE SOUTH LIMESTONE
PROJECT**

The Division of Public Works is recommending the execution of change order No. 1 for (\$9,295.01) with L-M Partners, LTD dba ATS Construction for construction of the Lexington Streetscape Phase One Limestone Project. The new contract total is \$13,137,262.18.

The change order adds units that were not included in the original contract but were needed for construction. In addition this change order removes items that were included in the original contract that were not needed for construction.

This change order does not affect funds budgeted for this project.

Council authorization to execute Change Order No. 1 to the agreement with L-M Partners LTD dba ATS Construction in the amount of (\$ 9,295.01) is hereby requested.


George S. Milligan, Administrative Officer

Cc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

CONTRACT HISTORY FORM**354-10 66**

Contractor: L- M Partners, LTD dba ATS Construction

Project Name: Lexington Streetscape Phase One South Limestone

Contract Number and Date 153-2009

Responsible LFUCG Division: Public Works

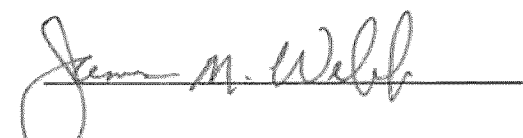
CHANGE ORDER DETAILS

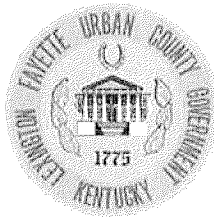
	<u>Summary of Previous Change Orders To Date</u>	<u>Percent Change to Dollar Amount</u>	<u>Original Contract</u>
A.	Original Contract Amount:	\$ <u>13,146,557.19</u>	
B.	Cumulative Amount of Previous Change Orders:	\$ <u>0</u>	<u>0</u> % (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	\$ <u>13,146,557.19</u>	
<u>Current Change Order</u>			
D.	Amount of This Change Order:	\$ <u>(9,295.01)</u>	<u>(.07)</u> % (Line D / Line A)
E.	New Contract Amount Including this Change Order :	\$ <u>13,137,262.18</u>	<u>99.93</u> % (Line E / Line A)

SIGNATURE LINES

Project Manager:  Date: 6/23/10

Reviewed by:  Date: 6/24/10

Commissioner:  Date: 6/24/10



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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

To: Mayor Jim Newberry
Urban County Council

From: David Loney, Deputy Director Fleet Services
Steve Feese, Director Waste Management

Date: June 22, 2010

Re: Sole Source Procurement for Heil Python MultiPack Refuse Truck Body

The Division of Waste Management's sole source purchase of waste collection bodies from Heil MultiPack is part of a plan to transition toward a uniform truck for the majority of residential collection services that will provide a number of operational efficiencies for the Waste Management Division.

We currently have five of these trucks in the Solid Waste fleet and 25 are on order with the first eight to arrive in June 2010. We have an opportunity to purchase FY 2011 budgeted replacements at last year's price of \$161,358 if the order is placed before July 15, 2010. After July 15, 2011 we are subject to any potential steel price increase. Therefore, we request approval to purchase 16 Heil Python MultiPack truck bodies not to exceed \$161,358 each or \$2,581,728 in total from Central Indiana Truck Equipment Corporation. These 16 Heil Python Multipacks should arrive in January 2011.

The truck body features both an automated arm for collecting carts and a rear loader hopper for collecting larger items. Heil is the only manufacturer that combines both these features in the same truck body.

The advantages of using this specific truck body include:

1. The MultiPack truck automated feature will replace our existing semi-automated collection vehicles which are more labor intensive. This will decrease our employee injury rates and increase the number of households serviced per route.
2. Replacing our existing automated collection trucks with the MultiPack trucks will enable DWM to eliminate our current bulky item trucks that retrace the automated collection routes (at a 3 to 1 ratio) to collect materials that the automated trucks cannot collect.

355-10

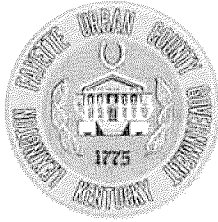
3. This MultiPack collection body can be assigned to any of the three collection streams: recycling, organics, or landfill bound waste as needed on any given day. This means that we will move from three different types of collection trucks that are currently being used to one type which will reduce the number of spare trucks needed and will streamline our maintenance needs and training requirements.
4. Achieving route efficiency will be easier because the MultiPack truck will enable DWM to service streets that would have otherwise been inaccessible with our existing automated trucks.

The following documents are attached:

- a. Administrative review form (bluesheet)
- b. Price Sheet for Heil Python MultiPack
- c. Sole Source Procurement Certification



- cc. Kimra Cole, Commissioner of General Services
Susan Bush, Acting Commissioner of Environmental Quality
Jamshid Baradaran, Director Facilities & Fleet Management
Brian Marcum, Director Central Purchasing



356-10 69

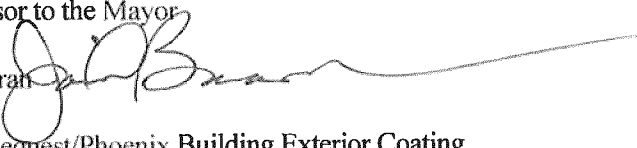
Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Advisor to the Mayor

From: Jamshid Baradaran 

Re: Change Order Request/Phoenix Building Exterior Coating

Date: June 23, 2010

This is a request for Council review and approval of the change order #1 to contract number 61-2010 to Precision Painting Co., Inc. for adjustments for exterior structural columns repair and re-caulking of all windows. The change order is in the amount of \$7,550.00 (16% of the project's original contract amount of \$47,445.00) for a total adjusted contract amount of \$54,995.00.

If you have any questions or require further information, please contact my office at 390~~9~~. Thank you.

CC: Kimra Cole, Commissioner of General Services

CONTRACT HISTORY FORMContractor: Precision Painting & Pressure Washing **356-10**Project Name: Phoenix Building Exterior PaintingContract Number and Date: 61-2010 June 10, 2010Responsible LFUCG Division: Facilities Management**CHANGE ORDER DETAILS****Summary of Previous Change
Orders To Date****Dollar Amount****Percent Change to
Original Contract**A. Original Contract Amount: \$ 47,445.00B. Cumulative Amount of
Previous Change Orders: \$ _____ 0% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 47,445.00**Current Change Order**D. Amount of This Change Order: \$ 7,550.00 16% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 54,995.00 116% %
(Line E / Line A)**SIGNATURE LINES**Project Manager: Date: 6/23/2010

Reviewed by: _____

Date: _____

Division Director: _____

Date: _____

Contract No 61-2010

Precision Painting & Pressure Washing

Change Order No. 1

You are hereby requested to comply with the following changes from the contract plans and specifications:

Date _____



358-10

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: June 24, 2010

RE: Amending Section 21-6 of the Code of Ordinances

Council authorization is requested to amend Section 21-6 of the Code of Ordinances to allow probationary employees who are terminated for not successfully passing their probationary period to be allowed to reapply for a position with the urban county government prior to the one year set forth in the ordinance. If approved, this would only apply to probationary employees who have missed a significant number of days of work due to a serious medical illness or condition. Approval from the Mayor or his designee would be necessary.

If you have any questions, please let me know.



Glenda Humphrey George, Attorney Sr.

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358-10

DRAFT
6/24/10

ORDINANCE _____

AN ORDINANCE AMENDING SECTION 21-6 OF THE CODE OF ORDINANCES

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT:

Section 1 – That Section 21-6 of the Code of Ordinances be and hereby is
amended to read as follows:

(a) In addition to the qualifications for each class as set forth in the job descriptions, it shall be understood that to be eligible for classified civil service appointment an applicant must:

(1) Be not less than eighteen (18) years of age and meet all applicable mental, physical or statutory requirements of the positions.

(2) Be able to understand the English language and follow instructions, provided that ability to read and write shall be required only where it is a bona fide occupational requirement.

(3) Have, in the case of positions involving the operation of a motor vehicle, a driver's license or, for those positions which require it, a chauffeur's license.

(4) Not have been, in the twelve (12) months preceding the application deadline date or during the application process, suspended, or dismissed or forced to resign from employment. However, this subsection shall not apply to any employee terminated during the probationary period as a result of excessive absences due to a serious health condition or illness. Applicants terminated during their probationary period meeting the above criteria may request approval to apply for a position from the Mayor or his designee who shall

request that the potential applicant provide medical documentation from a health care provider to substantiate the serious medical condition or illness which led to the excessive absences. The director shall establish reasonable rules necessary to implement this subsection.

(b) There shall be no residency requirements for appointment to the classified civil service, but all members thereof shall reside in such proximity to the urban county as to be able to respond for emergency duty within a reasonable time.

(c) (1) As used in this subsection:

- (i) Child means any person under the age of eighteen (18) years.
- (ii) Sex crime means a criminal conviction for a violation or attempted violation of KRS 510.040 to 510.150, 529.020 to 529.050, 529.070, 530.020, 530.065, 530.070, 531.310, 531.320, and 531.340 to 531.370. Conviction for a violation or an attempted violation of an offense committed outside Kentucky is a sex crime if such offense would have been a crime in Kentucky under one of the above-enumerated statutes.
- (iii) Central criminal records file check means a check of criminal records pursuant to KRS 17.160.

(2) All applicants for appointment to a classified civil service position which would be required to exercise supervisory or disciplinary control over children as a condition of employment shall submit to a central criminal records file check for prior sex crime convictions. Any prospective employee who has a prior sex crime conviction shall not be hired by the urban county government in any capacity which would place him in a position of supervisory or disciplinary control over children.

(3) The commissioner of public safety shall be responsible for administering the records check program.

(d) In addition to all other qualifications, applicants for positions in the division of community corrections shall not have been convicted of a felony and shall be orderly and law-abiding persons. Appointees to security positions in the division of community corrections shall be twenty-one (21) years of age.

Section 2 - That this Ordinance shall become effective on the date of its passage.

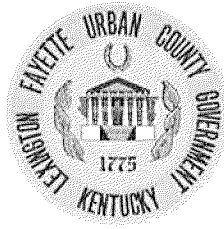
PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

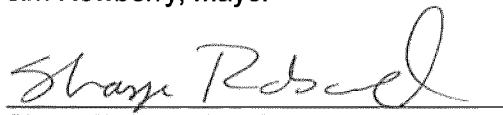
PUBLISHED:



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

TO: Urban County Council
Jim Newberry, Mayor

FROM: 
Shaye Rabold, Chief of Staff

DATE: June 24, 2010

RE: Purchase of Service Agreement (PSA) with the Roots and Heritage
Festival, Inc. for the 2010 Roots and Heritage Festival – FY2011

Request Council approval of the PSA with the Roots and Heritage Festival, Inc. at a cost not to exceed \$39,350 for the 2010 Roots and Heritage Festival to be held September 9 through September 12, 2010.

The festival celebrates the cultural heritage and unique history of the African American community with a parade, art exhibits, literary readings, midnight basketball, a golf tournament, film presentations, children's programming, theater, a comedy night, a health fair and ball, a nationally renowned speaker and a street festival.

Funds are budgeted.

PURCHASE OF SERVICES AGREEMENT

359-10⁷⁷

THIS PURCHASE OF SERVICE AGREEMENT is made and entered into on or as of the ____ day of _____, 2010 by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the Commonwealth of Kentucky pursuant to Chapter 67A of the Kentucky Revised Statutes (hereinafter "Government"), 200 East Main Street, Lexington, Kentucky 40507, and the **ROOTS AND HERITAGE FESTIVAL, INC.**, a Kentucky non-profit organization, (hereinafter "Organization"), P. O. Box 11712, Lexington, Kentucky 40544-1712.

WITNESSETH:

That for and in consideration of the mutual promises and covenants herein expressed, the Government and the Organization agree as follows:

1. Government hereby retains Organization for the period beginning on July 1, 2009, and continuing for a period of sixth months from that date, unless within that period Government gives the Organization written notice of termination of this Agreement in which this Agreement shall terminate thirty (30) days from the date notice is given to the Organization.

2. Government shall pay Organization the sum of Thirty Nine Thousand Three Hundred Fifty Dollars (\$39,350.00) for performance of the services required by this Agreement, said services being more particularly described in the Addendum A which is attached hereto and incorporated herein by reference. In addition to the aforementioned sum, Government shall also provide the in-kind services being more particularly described in Addendum B which is attached hereto and incorporated herein by reference. Partial payments of the aforementioned sum shall be made by the Government to Vendors

within two weeks of receipt of invoices submitted by Organization for materials or services identified as relating to specific services listed in Addendum A or payments may be made to Organization with appropriate invoices or documentation.

3. In the event of termination of this Agreement by Government as provided for in paragraph 1 above, Organization shall be entitled to that portion of total compensation due under this Agreement as the service rendered bears to the service required thereunder.

4. Organization shall perform all duties and services included in the Addendum A attached hereto faithfully and satisfactorily at the time, place, and for the duration prescribed herein. Organization shall keep itself fully informed of all national and state laws and all local laws, ordinances and regulations in any manner affecting the work or performance of this Agreement, and shall at all times observe and comply with such laws, ordinances and regulations, whether or not such laws, ordinances and regulations are mentioned herein, and shall indemnify and hold harmless Government, its officers, agents and employees against any claim or liability arising from and based on the Organization's violation of any such laws, ordinances or regulations.

5. Organization represents that it has filed all federal, state and local tax returns as required by law in the legally prescribed time and manner. This Agreement shall not become effective unless and until copies of all the executed originals of the aforementioned tax returns filed for the most recent tax year for the Organization have been filed with the Government, and the Organization shall not be compensated unless and until such registration has taken place.

6. Organization shall defend, indemnify, and hold harmless Government from any and all claims, losses, demands, actions, costs and charges to which

Government may be subject or to which Government may have to pay by any reason of any injury to any person or property or loss of life or property, resulting from or in any way incidental to or connected with, that arise or are alleged to have arisen, directly or indirectly, in whole or in part, from the Roots and Heritage Festival, unless said injury or loss arises from the negligence of Government or its employees. If Government or any such persons are made a party to any litigation commenced by or against the Organization, the Organization agrees to protect, defend and hold Government and/or any such persons harmless therefrom and to pay all costs and reasonable attorney fees incurred or paid by Government or any such person in connection with such litigation.

7. Organization shall, at its sole cost and expense, procure and continue in force during the Roots and Heritage Festival, including, but not limited to, (i) commercial general liability insurance which shall cover both participants and spectators, including \$100,000 fire legal liability with reference to Government's premises, in the principal amount of one million dollars (\$1,000,000) per occurrence and two million dollar (\$2,000,000) general aggregate for property damage and bodily injury in respect to each occurrence for a minimum of the following [number of days] () days: September, and October, 2009, for all events scheduled on those days, (ii) hired and non-owned automobile coverage for one million dollars (\$1,000,000) combined single limit, only if Government vehicles will be utilized for the Festival, and, (iii) liquor liability in the amount of one million dollars (\$1,000,000), only if alcohol is to be sold at any event held on Government property. All policies must include, and shall name, the "Lexington Fayette Urban County Government" as an "additional insured" under the terms of the Policy.

8. Books of accounts shall be kept by the Organization and entries shall be made therein of all money, goods, effects, debts, sales, purchases, receipts, payments, and any other transactions of the Organization. The books of accounts, together with all bonds, notes, bills, letters, and other writings belonging to the Organization, shall be maintained at the principal place of business of the Organization as set forth in this Agreement. Government shall have free and complete access to the books, papers, and affairs of the Organization at all reasonable times, and, if it desires, it may have the books and papers of the Organization audited and examined by auditors, accountants, or attorneys. Any examination shall be at the expense of the Government.

9. Government may designate such persons as may be necessary to monitor and evaluate the services rendered by the Organization. The Government, its agents and employees, shall, at all times, have unrestricted access to all places where or in which the services required hereunder are being carried on and conducted. Inspection and monitoring of the work by these authorities shall in no manner be presumed to relieve in any degree the responsibility or obligations of Organization, or to constitute Organization as agent of the Government.

10. Organization will provide equal opportunity in employment for all qualified persons, shall prohibit discrimination in employment because of race, color, creed, national origin, sex, age, disability or sexual orientation, and shall promote equal employment through a positive, continuing program of equal employment, and shall cause each of its subcontracting agencies to do so. This program of equal opportunity shall apply to every aspect of its employment policies and practices.

359-10

11. Organization acknowledges and agrees that its employees or agents are not employees of Government any purpose whatsoever. Organization is an independent contractor at all times during the performance of the services specified.

12. Organization will not assign the performance of its services under this agreement without the prior written approval of Government.

13. The terms of this Agreement shall be governed by the laws of the Commonwealth of Kentucky, both as to interpretation and performance. Any ambiguity is to be construed in favor of Government. The venue for any litigation related to this Agreement shall be in the court of competent jurisdiction in Fayette County, Kentucky.

14. This Agreement does not create a contractual relationship with or right of action in favor of a third party against either Organization or Government.

15. If any term or provision of this Agreement shall be found to be illegal or unenforceable, this Agreement shall remain in full force and such term or provision shall be deemed stricken.

16. The failure of either party to enforce any right reserved to it in this Agreement shall not be a waiver of any such right to which the party is entitled.

17. With respect to this Agreement, Government and Organization bind themselves, their partners, successors, assigns and legal representatives to the other party and to the partners, successors, assigns and legal representatives of the other party.

18. This instrument, and the Addendum incorporated herein, contains the entire Agreement between the parties, and no statement, promises or inducements made by either party or agent of either party that is not contained in this written Agreement shall be

valid and binding; and this Agreement may not be enlarged, modified, or altered except in writing signed by the parties and endorsed hereon.

IN WITNESS WHEREOF, the parties have executed this Agreement at Lexington, Kentucky, the day and year first above written.

**LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT**

BY: _____
JIM NEWBERRY, MAYOR

**THE ROOTS AND HERITAGE
FESTIVAL, INC.**

BY: _____
KIMBERLY HENDERSON BAIRD
CHAIR

ADDENDUM A – 2009

The description of the purpose and services provided by the Roots & Heritage Festival, Inc. is as follows:

The purpose of the Roots & Heritage Festival is to create an atmosphere for the celebration of cultural diversity. By exposing the community to the history and achievements of African-Americans, and by offering a variety of art, educational and cultural activities, the Festival serves as a forum to unite people while promoting cross-cultural communication and understanding.

More specifically, the Roots and Heritage Festival, Inc. will provide the following community events during the months of September and October, 2008:

Thursday, September , 2009

Art Exhibit

Friday, September , 2009

Art Exhibit

Stage #1 Blues in the Street featuring _____

Street Festival

Saturday, September , 2009

Parade

Street Festival

Stage #1 featuring _____

Sunday, September , 2009

Soulful Sunday Gospel Celebration featuring _____

Street Festival

Thursday, September , 2009

Comedy Show featuring _____

Saturday, September , 2009

Concert featuring _____

Saturday, September , 2009

Step Show

Basketball Tournament

Saturday, October , 2009

Heritage Ball

ADDENDUM B - 2009

359-10

In addition to payment in the amount of \$39,350 the Government also agrees to provide the following services from its department and divisions:

1. **Division of Streets and Roads**
 Services: Labor
 Estimated Costs: \$1750 Street Festival (Friday and Saturday only)
 Staff Hours: 4 hours
2. **Division of Solid Waste**
 Services: Labor, Equipment and Porta Johns
 Estimated Costs: \$13,111 Street Festival (Friday and Saturday only)
 Staff Hours: 500 hours
3. **Division of Parks and Recreation**
 Services: Labor/Rental/Equipment
 Estimated Costs: \$16,400 Street Festival (Friday through Sunday)
 Staff Hours: 3 days
4. **Division of Police**
 Services: Labor (Patrol/Traffic Control)
 Estimated Costs: \$34,020 Street Festival (Friday through Sunday)
 Staff Hours: 1266 hours
5. **Public Information Office**
 Services: Photography Costs
 Estimated Costs: \$400 Street Festival (Friday and Saturday only)
 Staff Hours: 1 day + 5 hours of compensatory time
6. **Council Office:**
 Services: Labor/Materials
 Estimated Costs: \$6,678
 Staff Hours: 300-350
7. **General Services-Mail Room:**
 Services: Mailings, signage, etc. (July through September 2009)
 Estimated Costs: \$400-\$500
 Staff Hours: NA
8. **Division of Fire & Emergency Services, Emergency Medical Services**
 Services: Street Festival
 Estimated Costs: \$6,450 Street Festival (Friday through Sunday)
 Staff Hours: 129 hours