

URBAN COUNTY COUNCIL
November 15-November 22, 2010

Monday, November 15

Council Form Based Codes/Design Guidelines Task Force Meeting.....4:30 pm
Public Library, Conference Room A

Human Rights Commission Community Relations Meeting.....4:30 pm
Conference Room-5th Floor Government Center

Human Rights Commission Monthly Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Tuesday, November 16

Council Water Resources Oversight Committee Meeting.....9:00 am
Conference Room-5th Floor Government Center

Committee of the Whole (COW) Quarterly Meeting.....11:00 am
Conference Room-5th Floor Government Center

Council Planning Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

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

Wednesday, November 17

Town & Gown Commission Meeting.....4:00 pm
Maxwell St Presbyterian Church, 180 Maxwell St

Thursday, November 18

Council Form Based Codes/Design Guidelines Workshop.....4:00 pm
Conference Room-5th Floor Government Center

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

Friday, November 19

No Meetings

Monday, November 22

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

November 16, 2010

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary – Yes, November 9, 2010, pp. 4-9**
- IV. Budget Amendments – Yes, p. 10**
- V. New Business, pp.12-23**
- VI. Continuing Business / Presentations**
 - A. Corridors Commission (separate)**
 - B. Council Intergovernmental Committee, pp.24-27**
 - C. Purchase of Development Rights Program Annual Report
Mr. Billy F. Van Pelt, Program Manager**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Pending Litigation**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation for a Cheerleading Showcase. (534-10) (Hancock/Cole)
This request will authorize approval of a Facility Usage Contract in the amount of \$197.93 with FCBE on behalf of the Division of Parks & Recreation for use of the Windburn Middle School Gymnasium for a Cheerleading showcase. Funds are budgeted.**pp.12-13**
- B. Authorization of a Revised Group Sales Agreement with Hyatt Regency Lexington on Behalf of the Department of General Services, Division of Parks & Recreation for the 2011 Bluegrass Invitational Wheelchair Tournament (BGIT). (536-10) (Hancock/Cole)
This request will authorize approval of a Revised Group Sales Agreement in the amount of \$3,000 with Hyatt Regency Lexington on behalf of the Division of Parks & Recreation for the 2011 BGIT. Funds will be used for the banquet meal and services. Funds are budgeted.**p.14**
- C. Authorization of Facility Usage Agreement with Various Teams on Behalf of the Department of General Services, Division of Parks & Recreation for Participation in Youth Sports Program. (539-10) (Hancock/Cole)
This request will authorize approval of Facility Usage Agreements with the Lexington Little League Softball, Southwestern Babe Ruth, Southeastern Cal Ripken, Eastern Little League, Western Little League, Northern Babe Ruth, Southwest Lexington Pony, and South Lexington Babe Ruth on behalf of Parks & Recreation for participation in the Youth Sports program.**p.15**
- D. Authorization of a Rental Agreement with the Lexington Center Corporation (LCC) on Behalf of the Office of the Mayor, Special Events for the 2011 Martin Luther King, Jr. Holiday Memorial Program. (537-10) (Ebel/Rabold)
This request will authorize approval of a rental agreement in the amount of \$9,000 with LCC for the Heritage Hall Center and East on behalf of Special Events for the 2011 Martin Luther King, Jr. Holiday Memorial program. Funds are budgeted.**p.16**
- E. Authorization of a Purchase of Service Agreement (PSA) with the Lyric Theatre and Cultural Arts Center, Inc. (545-10) (Rabold)
This request will authorize approval of a PSA in the amount of \$236,777 with the Lyric Theatre and Cultural Arts Center, Inc. to purchase additional equipment, furnishings and operational needs. Funds in the amount of \$150,000 were approved in the FY2011 Budget for the oversight and management of and programming for the Center. Funds of \$86,777 in the Lyric Theatre project will be transferred to the Center for purchase of additional equipment and furnishings for the operation of the facility. Funds are budgeted.**p.17**

- F. Authorization of Release of Easements on Properties Located at 1908 – 1920 General Warfield Way and 1869 Goodpaster Way. (541-10) (Askew)

This request will authorize approval of Release of Easements of a Streetlight and Drainage Easements on property located at 1908 – 1920 General Warfield Way and a Partial Release of a Streetlight Easement on property located at 1869 Goodpaster Way. The proposed easements have been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. There is no budgetary impact for LFUCG.**p.18**

- G. Authorization of a Change in Site Manager Required for the Service Sponsor Agreement for Volunteer Income Tax Assistance (VITA) and Civil Rights Assurance with the Internal Review Services. (540-10) (Helm)

This request will authorize approval of the change in Site Manager required for the Service Sponsor Agreement for VITA and Civil Rights Assurance with the Internal Review Services at the Family Care Center.**p.19**

- H. *Authorization of a Release Form for Reimbursement of Construction Site Restoration with the Dogwood Trace Neighborhood Association under the South Elkhorn Force Main Project. (543-10) (Martin/Bush)

This request will authorize approval of a Release Form for Reimbursement of Construction Site Restoration in the amount of \$29,000 with Dogwood Trace Neighborhood Association for construction required on Harrodsburg Road under the Elkhorn Force Main project. Funds are budgeted.**p.20**

***EPA Consent Decree**

- I. *Authorization of Change Order No. 2 to Contract with MAC Construction under the South Elkhorn Force Main Project. (FINAL) (544-10) (Martin/Bush)

This request will authorize approval of Change Order No. 2 to increase contract amount by \$161,997.32 under the South Elkhorn Force Main project for adjustments of estimated line items to actual quantities required and wages. Original contract amount was \$10,994,864. Total of previous change order was \$132,408.22. Final contract amount is \$11,289,269.54. Funds are budgeted.**pp.21-23**

***EPA Consent Decree**

***Denotes EPA Consent Decree**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

November 9, 2010

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CMs Crosbie and Feigel.

Mayor Newberry gave a proclamation to Tom Baker for the Bluegrass Military Affairs.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-Yes

A motion by CM Myers to place on the docket for the Thursday November 11, 2010 Council Meeting, a resolution providing that effective January 1, 2011 no employee or retiree of a partner agency and/or satellite agency of the Lexington-Fayette Urban County Government shall be eligible to participate in any urban county government employee or retiree benefit, including but not limited to medical insurance, dental insurance, vision insurance, life insurance, 401k contributions and the like, and directing the Division of Human Resources to notify in writing all such agencies within three business days of the passage of this Resolution, seconded by CM Blues, passed unanimously.

An amendment to the motion by CM Lawless to include a request that all former employees be notified of potential loss of COBRA benefits failed for lack of a second.

A motion by CM Stinnett to place on the docket for November 11, 2010 Council Meeting the following items relating to the issuance of general obligation bonds 1. A bond ordinance for up to \$21.5 million in capital improvements and an ordinance designating Fayette County as a recovery zone in order to issue recovery zone economic bonds related to these capital improvements; 2. a bond ordinance for up to \$9 million to refinance previous bonds; and 3. a resolution to authorize advertisement for bids and distribution of preliminary official statements and other related actions to these bonds, seconded by CM Lane, passed without dissent.

A motion by CM Ellinger to approve the additions to the docket, seconded by CM Lane, passed without dissent.

A motion by CM Lawless to approve the CPF list item, seconded byu CM Ellinger, passed without dissent.

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary from October 26, 2010, seconded by CM Stinnett, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Ellinger to approve budget amendments, seconded by CM Stinnett, passed without dissent.

V. New Business

- A. A motion by CM Beard to approve the New Business items, seconded by Authorization to Extend Contract with Humana for Medicare Advantage Plan. (509-10) (L. Jarvis/Rumpke)
- B. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within Various LFUCG Departments and Divisions. (521-10) (L. Jarvis/Rumpke)
- C. Authorization of a Modification to an Agreement Offered by the Kentucky Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) under the Chemical Stockpile Emergency Preparedness Program (CSEPP) – FY2009. (511-10) (Gooding/Bennett)
- D. Authorization to Submit Grant Application to the Kentucky Office of Homeland Security and Accept Award if Offered, on Behalf of the Department of Public Safety, Division of Police under the State Homeland Security Grant Program. (519-10) (Gooding/Bennett)
- E. Authorization to Accept an Award Offered by the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Divisions of Police, Fire & Emergency Services and Emergency Management/911 under the 2010 State Homeland Security Grant Program. (522-10) (Gooding/Bennett)
- F. Authorization to Accept an Award Offered by the Kentucky Commercial Mobile Radio Service Emergency Telecommunications Board (CMRS Board) for Improvements to the Regional 911 System. (523-10) (Gooding/Bennett)

- G. Authorization to Accept an Award from the Institution of Fire Engineers on Behalf of the Department of Public Safety, Division of Fire & Emergency Services to Participate in a Test Pilot Project - Integrated Risk Management Program. (529-10) (Gooding/Bennett)
- H. Authorization to Accept an Award Offered by the Kentucky Office of Homeland Security for Continuation of the Metropolitan Medical Response System (MMRS) – FY2011. (530-10) (Gooding/Bennett)
- I. Authorization of a Trademark/Service Mark Application with the Commonwealth of Kentucky, Secretary of State, to Register Lexington Division of Police Emblem and Approve the Commissioner of Public Safety or Designee to Sign Application. (512-10) (Bastin/Bennett)
- J. Authorization to Submit Grant Application to the Kentucky Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) under the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). (510-10) (Gooding/Bush)
- K. Authorization of an Amendment to Agreement with EnergyCAP® Inc., Energy Management Software and Implementation Services under the Energy Efficiency and Conservation Block Grant (EECBG). (513-10) (Gooding/Bush)
- L. Authorization of an Agreement with Paladin under the Energy Efficiency & Conservation Block Grant for an Energy Assessment Services for Energizing the Arts Activity. (527-10) (Gooding/Bush)
- M. Authorization of a Resolution to Award Funds under the 2010 EcoART Grant Program to Lansdowne Elementary School. (516-10) (Bush)
- N. Authorization of an Engineering Services Agreement with Paladin for Energy Improvements at the Dunbar and Black & Williams Community Centers. (526-10) (Gooding/Bush)
- O. Authorization of Change Order No. 1 to Contract with Lagco, Inc. for the North Pointe Detention Basin Repair Project. (FINAL) (524-10) (Martin/Bush)
- P. Authorization to Amend Section 5-32 of the Code of Ordinances to Adopt Fees Established in 815 KAR 8:070. (514-10) (Crowe/Webb)
- Q. Authorization of a Facility Usage Contract with the Fayette County Board of Education on Behalf of the Department of General Services, Division of Parks & Recreation for the the Kiddie Kapers Program. (515-10) (Hancock/Cole)

- R. Authorization of Change Order No. 1 to Contract with Woodall Construction, Inc. for the Meadows/Northland/Arlington Public Improvements Design Project – Phase 3C. (FINAL) (528-10) (Gooding/Webb)
- S. Authorization to Recognize and Accept the Donation of an Appaloosa/Draft Horse from Mr. Brad Mitchell for the Masterson Station Park Equestrian Program. (518-10) (Hancock/Cole)
- T. Authorization of Amendment No. 2 to the Management Agreement (Contract No. 5727) with the Kentucky Theater Management Group, Inc. for the Kentucky Theater Complex. (517-10) (Baradaran/Cole)
- U. Authorization of a Software License and Services Agreement with Oracle® for PeopleSoft® Enterprise Reported Budget Program. (525-10) (Nugent/Dhuwaraha)
- V. Authorization of a Partial Release of Easement of a Portion of a Sanitary Sewer Easement on Property Located at 3598 Rabbits Foot Trail. (531-10) (Askew)

A motion by CM Myers to approve the new business items A-V, seconded by CM Blues, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Council Budget & Finance Committee Update

This update was given by Chair CM Stinnett. There were no motions to come forward.

VII. Council Report

CM Blues-Announced two meetings: tonight at 7 pm-Meadowthorpe NA at the community center and on 11/15 Winburn NA at 6:30 pm at the MLK Park Shelter.

CM McChord-Stated that he was glad to see the Clays Mill project has been bid; piggybacked on what was said about veterans-thank you for service and sacrifice; extended well wishes to Staff Sgt. Chris Eaton who was injured in Afghanistan.

CM Beard-A motion by CM Beard to approve the NDF list, seconded by cm Gorton, passed without dissent.

CM Stinnett-Thanked voting public for their turnout this past election; on next Tuesday night, Eastland NA will meet at 6:30 pm at Christ Center

Church.

CM Henson-Thanked all veterans; stated that she enjoyed the veterans' parade but hopes that in the future a better job of promoting it will occur; announced the old 'Y' property is GONE!

CM Gorton-Stated that UCG has many veterans and employees who have been deployed; thanked veterans; reminded CMs of the NDF that has been passed around for funding of the temporary relocation of the WW II plaque-there is still time to support it-see CA Langston.

CM James-Gave thanks to the William Wells Brown, MLK, and N Lime neighborhood associations for giving her and her aide, Sarah Brown, a 'pie and bye' event; MLK NA will meet tonight at 7 pm; the Tree Board will unveil its new logo at the meeting to be held tomorrow at 10:30 am in the 5th floor conference room.

CM Lawless-Announced that Goodrich NA and Friends from Wolf Run will be planting native plants and trees in Goodrich Park near the stream on 11/13 at 10 am; regularly scheduled Historic South Hill NA will meet tonight at 6 pm at 1st United Methodist Church parsonage in the basement; Mentelle NA will meet tonight at 7 pm at Ashland School; on 11/13 from 7-10 pm Community Action Council will sponsor Artists' Stand Against Poverty at Artsplace at 161 S Mill St-tickets are \$20 in advance or \$25 at the door; Columbia Heights NA will have a 'Meet and Greet' tonight at 6:30 pm at ReCon.

CM Martin-Stated that he enjoyed meeting with Southland Assoc. this morning-they are working on streetscape project for next year and also on a painting project with SCAPA.

VIII. Mayor's Report-Yes

A motion by CM Gorton to approve the Mayor's Report, seconded by CM Blues, passed without dissent.

Mayor Newberry asked Brian Marcum, Dir. of Central Purchasing to come forward and give a presentation on the Distillery District Improvement Program.

A motion by CM Blues to approve and authorize the recommendation by Brian Marcum, Dir. of Central Purchasing, to re-advertise the RFP for the Distillery District Improvement Program with the original scope using a QBS selection process-new selection committee, use a point based evaluation system as part of the process, have a separate team (primarily Engineering) to negotiate the final contract, seconded by CM Beard, passed without dissent.

IX. Public Comment-Issues not on the agenda-None

X. Adjournment

A motion by CM Ellinger to adjourn, seconded by CM Gorton, passed without dissent.

Work session was adjourned at 5:35 pm.

JOURNAL	47949-50	DIVISION	Purchase of Development Rights	Fund Name	General Fund
				Fund Impact	200.00
					200.00CR
					.00

To provide funds for business travel (mileage reimbursement) from PDR application fees.

JOURNAL	47951	DIVISION	Water Quality	Fund Name	Sanitary Construction Fund
				Fund Impact	181,075.00
					181,075.00CR
					.00

To provide funds for property acquisition for Deep Springs Pump Station. Originally planned to be smaller pump station, preliminary design flow data warranted upgrade of existing facility so the design had to be rebid.

JOURNAL	48055	DIVISION	Various	Fund Name	General Fund
				Fund Impact	1,814,345.85
					243,595.81CR
					1,570,750.04
				Fund Name	Urban Fund
				Fund Impact	45,846.89
					45,846.89
				Fund Name	Municipal Aid Program Fund
				Fund Impact	1,911,293.34
					30,331.33CR
					1,880,962.01
				Fund Name	Sanitary Sewer Fund
				Fund Impact	28,421.00
					28,421.00
				Fund Name	Lexvan Program Fund
				Fund Impact	26,400.00
					26,400.00

To provide funds in FY 2011 for grant match encumbrances remaining in FY 2010 by recognizing funds reserved for this purpose.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	1,570,750.04
Fund	1115	Urban Service District Fund	45,846.89
Fund	1136	Municipal Aid Program Fund	1,880,962.01
Fund	4002	Sanitary Sewer Revenue and Operating Fund	28,421.00
Fund	4003	Sanitary Sewer Construction Fund	.00
Fund	4205	Lexvan Program Fund	26,400.00

Budget Information For New Business Items

Work Session, November 16, 2010

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Item	Number	Amount	Fund	Name / Description
A	534-10	197.93	1011	General Fund
B	536-10	3,000	1101	General Fund
C	539-10	NA		
D	537-10	9,000	1101	General Fund
E	545-10	150,000 86,777	1101 2502	General Fund Cultural Center & Civic Center Expansion Fund
F	541-10	NA		
G	540-10	NA		
H	543-10	29,000	4003	Sanitary Sewer Construction Fund
I	544-10	161,997.32	4003	Sanitary Sewer Construction Fund



Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

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

FROM:


Jerry Hancock

RE: Facility Usage Agreement

DATE: November 4, 2009

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and the Fayette County Board of Education for use of Winburn Middle School Gymnasium for a cheerleading Showcase On Sunday November 7, 2010.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

**EXHIBIT A****THIS IS NOT A BILL -- INVOICE TO FOLLOW****DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT**

APPLICANT: Lexington-Fayette Urban County Government
(Parks & Recreation) **PER DAY FEE:** **\$197.93**

FACILITY: Winburn Middle School (Cheerleading Showcase)

DATE(S): Sunday, November 7, 2010

TIME(S): 12:30 - 4:00 pm

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	0	0	0	\$15.50	\$0.00
Auditorium	0	0	0	-----	-----
Cafeteria	0	0	0	\$25.75	\$0.00
Kitchen	0	0	0	\$17.25	\$0.00
Gymnasium	1	3.5	3.5	\$17.25	\$60.38
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	0	0	0	\$17.25	\$0.00
Subtotal	-----	-----	-----	-----	\$60.38
DISTRICT EMPLOYEES (If Applicable)	NO. EMPLOYEES	NO. HOURS PER EMPLOYEE	TOTAL NO. HOURS	HOURLY PERSONNEL FEE	TOTAL PERSONNEL COST
Custodian(s)	1	3.5	3.5	\$39.30	\$137.55
Food Service Manager(s) II	0	0	0	\$41.00	\$0.00
Technical Support Staff	0	0	0	\$44.05	\$0.00
Law Enforcement Officer(s)	0	0	0	\$51.55	\$0.00
Other	0	0	0	\$0.00	\$0.00
Subtotal	-----	-----	-----	-----	\$137.55
Total	-----	-----	-----	-----	\$197.93
ADDITIONAL RENTAL FEES (If Applicable)	0	0	0	\$0.00	\$0.00
Grand Total	-----	-----	-----	-----	\$197.93

COMMENTS:

To provide bleachers, stage, podium and microphone.



Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

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

FROM:


Jerry Hancock

RE: Group Sales Agreement

DATE: November 1, 2010

This is a request for Council approval of a facility agreement between the Hyatt Regency Lexington and the LFUCG Parks and Recreation.

The facility usage agreement provides for a block reservation for 90 sleeping rooms for use during the Bluegrass Invitational Wheelchair Basketball Tournament participants and guests during the 2009 Bluegrass Invitational Wheelchair Tournament. The official Tournament dates are from February 3, 2011 until February 6, 2011. This agreement includes one complimentary suite to be used as the tournament headquarters.

Discounted room rates are paid by the participants and their guests and create no financial impact to the Lexington Fayette Urban County Government. Financial Impact is for Food and Banquet Services.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

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

FROM:


Jerry Hancock

RE: Facility Usage Contract

DATE: November 4, 2010

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and various youth baseball leagues.

These agreements are for the purpose of providing youth sports for the youth of the community by utilizing Park facilities. The Agreements are for Fall Leagues.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



Lexington-Fayette Urban County Government

Jim Newberry, Mayor

To: Mayor Jim Newberry
Joseph Kelly, Sr. Advisor for Management
Urban County Councilmembers

From: Penny Ebel, Special Events Director

Date: November 4, 2010

Re: Authorization of Lease Agreement for 2011 Martin Luther King Day Celebration

This is to request authorization of a rental agreement with Lexington Center Corporation for the 2011 MLK Day Celebration. This celebration will be held on Monday, January 17th. The estimated expense is \$9,000 to help pay for services provided by Lexington Center. This expense is fully budgeted in the Special Projects budget.

The MLK Day Celebration will begin with a breakfast held in the Civic Center, followed by the Freedom March at 10:00am. Marchers will return to the Civic Center for the Commemorative Program.

I appreciate your consideration of this item and request your approval.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: URBAN COUNTY COUNCIL

FROM: SHAYE RABOLD, CHIEF OF STAFF, MAYOR'S OFFICE

DATE: NOVEMBER 9, 2010

SUBJECT: COUNCIL AUTHORIZATION TO ENTER INTO A PURCHASE OF SERVICE AGREEMENT WITH THE LYRIC THEATRE AND CULTURAL ARTS CENTER, INC.

Please find enclosed a Purchase of Service Agreement between Lexington-Fayette Urban County Government and the Lyric Theatre and Cultural Arts Center, Inc.

Funds in the amount of \$150,000 were approved in the FY2011 budget for the Lyric Theatre and Cultural Arts Center, Inc. Furthermore, funds in the amount of \$86,777 remain in the Lyric project budget from monies dating back to 1993. These funds are requested to be transferred to the Lyric for the purpose of purchasing additional equipment, furnishings and additional operational needs.

Council authorization is requested to enter into the agreement with the Lyric Theatre and Cultural Arts Center, Inc.

HORSE CAPITAL OF THE WORLD



541-10

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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: November 8, 2010

RE: Release of Easements and Partial Release of Easement
General Warfield Way/Goodpaster Way

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easements releasing a streetlight easement and drainage easement on property located at 1908-1920 General Warfield Way and a Partial Release of Easement releasing a portion of a streetlight easement on property located at 1869 Goodpaster Way.

The proposed Releases have been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office

X:\Cases\WATER-AIR\10-CC0235\COFR00280012.DOC



540-10

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

Date: October 14, 2010

Subject: Sponsor Agreement for Volunteer Income Tax Assistance ("VITA") and
Civil Rights Assurance with Internal Revenue Service – Site Manager

The Service Sponsor Agreement for Volunteer Income Tax Assistance ("VITA") and Civil Rights Assurance with Internal Revenue Service (Resolution No. 578-2010) was passed by Urban County Council on October 21, 2010.

The LFUCG will be providing space at the Gainesway Empowerment Center, the Central Kentucky Job Center, and the Family Care Center for this program; However the Site Manager has changed at the Family Care Center location which requires an additional form (8633) to be signed.

We are requesting authorization for Mayor Newberry to approve these documents.



***543-10**

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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: November 8, 2010

Re: Cost Reimbursement to the Dogwood Trace Neighborhood Association
Construction Site Restoration – Dogwood Trace
South Elkhorn Force Main project
Division of Water Quality – **Consent Decree**

The purpose of this memorandum is to request approval of a reimbursement agreement with the Dogwood Trace Neighborhood Association for site restoration work associated with the installation of the South Elkhorn Force Main along Harrodsburg Road. The value of this reimbursement is \$29,000.00.

The force main was installed in late fall 2009. Due to the drought like conditions during the remainder of 2010, site restoration at the entrance to the Dogwood Trace subdivision was, after numerous attempts within the scope of the construction contract, unsatisfactory to representatives of the association.

The division recommends reimbursement to the homeowners association for expenses incurred restoring the site to “equal or better condition” as required in standard utility encroachment agreements. Expenses associated with this reimbursement are consistent with those incurred in previous contracts.

Funds for this contract are budgeted. Questions regarding this memorandum should be directed to Charles Martin at 425-2455.



***544-10**


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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Commissioner

To: Mayor Jim Newberry
Urban County Council

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

Date: October 1, 2010

Subject: Change Order # 2 (Final) for the South Elkhorn Force Main Project **(FINAL)**

The Division of Water Quality requests approval of Change Order #2 (Final) with MAC Construction for the South Elkhorn Force Main Project. The original amount of this project was \$10,994,864.00. Change Order #1 was for \$132,408.22. Change Order #2 is for \$161,997.32 and gives a revised cumulative new total contract amount of \$11,289,269.54. The sum of both Change Orders amounts to 3% of the original contract amount.

Description of Change Order

1. Adjustment of bid line items from estimated to actual quantities.
Add \$141,614.94
2. Adjustment to wages required by the Davis-Bacon Act.
Add \$20,382.38

Total Cost of Change Order #2: \$ 161,997.32



***544-10**

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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Commissioner

Change Order (FINAL)

Change Order No.2
South Elkhorn Force Main Project
Lexington Fayette-Urban County Government
Division of Water Quality

Owner: Lexington Fayette-Urban County Government
200 East Main Street
Lexington KY, 40507

Contractor: MAC Construction
P. O. Box 6787
New Albany, Indiana 47151

SUMMARY OF INFORMATION

Date of Change Order:	October 1, 2010
Date of Contract:	01/12/2009
Date of Notice to Proceed:	01/12/2009
Date of Contract Completion:	04/06/2010
Change in Contract Time (Calendar Days):	0
Original Contract Amount:	\$10,994,864.00
Previous Change Order Total:	\$132,408.22
Current Contract Amount:	\$11,127,272.22
Change Order # 2 Amount:	\$161,997.32
New Contract Amount Including Change Orders:	\$11,289,269.54
Percent of Change from Original Contract Amount:	3%



*544-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Commissioner

CONTRACT HISTORY FORM

Contractor: MAC Construction

Project Name: SOUTH ELKHORN FORCE MAIN

Contract Number and Date: # 181 - 2008 (FINAL)

Responsible LFUCG Division: Division of Water Quality

CHANGE ORDER DETAILS

Summary of previous Change Orders to Date **Dollar Amount**

A. Original Contract Amount: **\$10,994,864.00**

B. Cumulative Amount of Previous Change Orders: **\$132,408.22**

C. Total Contract Amount Prior to this Change Order: **\$11,127,272.22**

Current Change Order

D. Amount of this Change Order: **\$161,997.32**

E. New Contract Amount Including this Change Order: **\$11,289,269.54**

SIGNATURE LINES

Project Manager:

Reviewed By:

Division Director:

INTERGOVERNMENTAL COMMITTEE SUMMARY NOVEMBER 9, 2010

CM James chaired the meeting calling it to order at 1:05 pm. All committee members present except Crosbie and Feigel, with CM Gorton attending as a non voting member.

1. State Auditor Procurement Fraud Investigation Recommendations

Bryan Lykins and staff members from the Auditor of Public Accounts office were on hand to answer questions regarding procurement fraud investigation findings and recommendations. James asked the Mr. Lykins to give a brief overview of findings and recommendations and encouraged committee members to ask any questions today.

Finding 1: The Senior Advisor for Management was not required to inform an employee that he was the subject of a preliminary investigation for possible fraud allegations.

Myers asked about the draft report. Mr. Lykins responded saying he did not have the draft in front of him. Myers asked about restraints or stepping outside the law trying to put a policy in place regarding employees reporting allegations of possible fraud. He wanted to know what research the council should do and how do we come to a conclusion.

Finding 2: The external auditors released the Director of Internal Audit's conclusion memo to a Council member without dedacting the name of the LFUCG employee.

James asked about procedures within LFUCG where would responsibility for this finding fall.

Finding 3: The Internal Audit Board was advised that closed meetings could not be conducted to discuss confidential issues.

Myers said he was on the board of internal audit board and asked about holding closed session meetings, he asked Mr. Lykins if his office might assist with instructions on how this process should work and could give some insight.

Mr. Lykins explained what he thought was the intent and concerns of the Internal Audit Board. James asked whose responsibility it would be to devise a policy for this finding. Speaker said he thought the internal audit board.

Finding 4: The Office of Internal Audit is organizationally independent within LFUCG but the Internal Audit Board has not established operating procedures.

James asked if the Chair of the Internal Audit Board has started work on this finding and was told yes. Myers questioned intent of this recommendation and outline of who should

serve on the Office of Internal Audit Board. Mr. Lykins referred to recommendation of adopting bi-laws and the items/issues the bi-laws should address, specifically conflict of interest. Myers asked about constitutional rights. Mr. Lykins said his office tries to stay away from giving legal opinions. Lawless referred to Finding 4 saying it appears it's going to be up to council to re-structure the Internal Audit Board. Mr. Lykins replied nothing precludes council from discussion with the internal audit board and working together to establish operating procedures. . He said the recommendation says the Internal Audit Board should adopt by- laws to be evidentially approved by council.

Finding 5: LFUCG has no established method for employees and citizens to anonymously report issues of concern.

Mr. Lykins discussed a number of ways to achieve this goal. Gorton referred to Louisville's tip line and asked how it worked. She wanted to know if this was like our 311 service. Mr. Lykins explained how a determination is made when the tip line is used, adding he was not familiar with details as to how it works. Myers asked about widening scope of The Office of Internal Audit's inclusion for employee/citizen reports. Myers asked questions on how to frame conversations and for any ideas. Lawless talked about a third party tip saying tips are sometimes taken to an entities board creating problems of perception. She talked about the ethics commission being a free standing body. Mr. Lykins said how this communication is addressed is a part of this entire process. Martin talked about lack of discussion about the Citizens Advocate office in these recommendations.

Finding 6: The Office of Internal Audit did not establish policies or procedures regarding employee complaints or concerns unless provided in the form of a special request.

Myers asked about including certain items in the Internal Audit Board bi-laws and was told there should be discussion with the board as it works to come up with its bi-laws. James asked about need for additional drill down and what part of the findings and recommendations are the responsibility of the council and what part is the responsibility of The Office of Internal Audit. Gorton commented the first thing council might want to do is to amend the ordinance, and then send these recommendations to the board. Mr. Lykins said they already have a copy; however he can not speak to what they are currently doing regarding the findings. Mr. Lykins talked about trying to provide a further opportunity to get community involvement. James said she would like to see the ordinance changes brought forward at the next Intergovernmental Committee meeting in December. Myers asked about the Office of Internal Audit having more independence and having its own budget. He talked about establishing who the real supervisor is for the internal auditor staff and deciding who provides that function since they are civil service employees of the government. He asked how the state auditor's office operates independently. Mr. Lykins explained separations and independence; organizationally they are attached to state government. Lawless referred to James's suggestion saying this is an important function of government and perhaps we should take time to look at other communities and best practices, etc. James said she meant to take a look at the

ordinance and did not intend to rush a solution Myers asked a question about the audit and looking at processes across the state and recommendations. He asked Mr. Lykins if his office might recommend this to another community. Mr. Lykins replied it depends on what works best and the size of the organization, adding there was not a lot to compare to. He said you have something here that seems to be working but there are some issues that need to be addressed, but this is not a poor process and our findings did not imply so.

A motion by Blues to create a sub- committee to review and draft recommendations for change to the ordinance number 63-2002 bringing them to the full council, seconded by Myers, passed without dissent.

2. Open Standards/Open Source Data Policies –

Martin talked about NASCIO, Representing Chief Information Officers of the States, introducing Mr. Doug Robinson who addressed the committee about government transparency issues and the call for action to open doors to data. He said one aspect of transparency is to offer broader access to government data. He talked about the value of government data, tools of the trade and principles for open government.

Blues said this sounds promising and gathers we would need some kind of body to establish priorities and cost for such a program. Mr. Robinson said this data exists and would have to be identified; citizens want performance outcomes, like inspections of restaurants, anything related to performance and what we are doing with the public's (tax payers) dollars. He talked about ability to export/transport this data saying he thought we have the ability today. Beard asked about salary information offering a suggestion to assign a code number for accessing information that specific. He was told salaries are already publically available and there are search functions for salary data currently.

Mr. Robinson said any data collected should be kept current. He also talked about privacy and confidentiality. He talked about trends in 2011 and eight major moves for next year and expectations of the public. James mentioned LexRay and suggested Mr. Robinson speak with Rama Dhuwaraha, CIO for LFUCG about perhaps linking the two. Martin was going to make a motion to adopt this data policy and ask this to be kept on the docket. Martin asked Mr. Robinson about the regional nature or implication of this. He said he envisions Lexington creating a portal of information and reach out to other communities to see if they are interested in buying that data. James asked Mr. Dhuwaraha if this program overlaps with LexRay and was told yes a lot of it does and explained goals of the LexRay committee.

A motion by Myers to send the draft resolution regarding open standards and open source data polices to the LexRay committee for review, the motion failed due to lack of a quorum.

James said the resolution in question does not seem to acknowledge the work of LexRay. Martin said my intention has always been to take this to the LexRay committee. It was again suggested Mr. Robinson coordinate with Mr. Dhuwaraha to see about integrating the two programs.

A representative from a local citizen's group told the committee his group would like to work with the city about the need for open data. He added his group has been requesting a copy of LFUCG's budget since July and still does have it. He also mentioned lack of press releases about some committee. He mentioned an international data committee in Washington DC and a web site: City cam lex.org. He talked about getting together and creating software that cites could use. Myers asked if his group has attended LexRay meetings to which Mr. Dhuwaraha responded we've had two meetings. and we have a member of this group on the LexRay committee. Martin asked why we are not ready for open source yet; Mr. Dhuwaraha explained the concern about software support and maintenance agreement so we are moving cautiously. James asked the date of the LexRay committee's next meeting and was told it is November 18, 2010. She asked Mr. Dhuwaraha to obtain a copy of the draft ordinance from Mr. Martin and provide feedback to the next Intergovernmental Committee meeting.

3. Update on Committee Items – this item was not covered at today's meeting due to lack of time.

Motion to adjourn at 2:57 pm