URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
August 25 through September 1, 2008

Monday, August 25
News Rack Task Force Meeting.....10:00 am
Fifth Floor Conference Room, Government Center

Tuesday, August 26
Storm Water Oversight Committee Meeting.....11:30 am
Fifth Floor Conference Room, Government Center

Budget and Finance Committee Meeting.....1:00 pm
Council Chambers

Council Work Session..... 3:00 pm
Council Chambers

Wednesday, August 27
Commission for Citizens With Disabilities Meeting..... 9:00 am
Central Library Conference Room 4C, 140 East Main Street

MPO Transportation Policy Committee Meeting..... 1:30 pm
Council Chambers

TIF Task Force Meeting.....3:00 pm
Third Floor Conference Room, Phoenix Building

Noise Ordinance Task Force Meeting..... 5:00 pm
Fifth Floor Conference Room, Government Center

Thursday, August 28
Mayor's Bicycle Task Force Meeting.....11:30 am
Fifth Floor Conference Room, Government Center

Friday, August 29
No Meetings Scheduled

Monday, September 1
Labor Day Holiday-Government Offices Closed

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

August 26, 2008

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – None

III. Approval of Summary – Yes, August 19, 2008, PP. 6-8

IV. Budget Amendments – None

V. New Business – Yes, PP. 11- 26

VI. Continuing Business / Presentations

- A. Corridors Committee
- B. Planning Committee (separate)
- C. Services Committee, PP 27- 29
- D. TIF Task Force Report
- E. Disaster Preparedness Proclamation
- F. Bourbon Heritage Month Proclamation
  Eric Gregory, President
  Kentucky Distillers' Association

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

X. Closed Session – Pending Litigation and Homeland Security Issue

ADMINISTRATIVE SYNOPSIS

New Business Items

A. *Authorization of an Engineering Services Agreement with Stantec Consulting Services, Inc. on Behalf of the Department of Environmental Quality, Division of Water Quality. (442-08) (Martin/Taylor)
This request will authorize an Engineering Services Agreement with Stantec Consulting, Inc. at a cost of $5,297,896.10 to prepare the Sanitary Sewer Assessment (SSA) for Group 1 which includes the East Hickman, West Hickman and Wolf Run sewersheds. This assessment is to identify sources of inflow and infiltration and to assess the capacity and condition of the sanitary sewer system. **P. 11, Consent Decree**

B. Authorization to Submit Application to the Environmental Protection Agency (EPA) on behalf of the Department of Environmental Quality for the Empowering Lexington to use Power Wisely Project. (462-08) (P. King/ Taylor)
This request will authorize the submission of an application for federal funds in the amount of $220,000 to EPA under the Cost-Effective Approaches to Reducing Greenhouse Gas Emissions through Energy Efficiency, Clean Energy, and Corporate Greenhouse Gas Management Program on behalf of the Department of Environmental Quality for the Empowering Lexington to use Power Wisely Project. The project will enable the purchase of Energy Management Software to track and manage energy at LFUCG owned / occupied buildings. This project will also allow the creation of a web portal for innovative energy tracking software for homes and businesses to track energy use and that will provide information to reduce energy usage. No matching funds are required. **P. 12**

C. Authorization to Submit Application to the Kentucky Environmental and Public Protection Cabinet on Behalf of the Department of Environmental Quality (and Accept Award if Offered) for Continuation of the Litter Control Program in Fayette County – FY2009. (466-08) (P. King/ Taylor)
This request will authorize the submission of an application to the Kentucky Environmental and Public Protection Cabinet on behalf of the Department of Environmental Quality for state funds from the Kentucky Pride Fund, and accept the award if offered, for the continuation of the Litter Control Program in Fayette County. Funds will be used to support personnel costs in the Divisions of Waste Management and Streets, Roads, and Forestry of employees whose jobs include picking up of roadway litter. Funds will also support contractual costs for litter pickup, the inner-city and rural Adopt-A-Spot Program, and landfill user fees. The exact amount for FY2009 has not yet been released by the Cabinet. Funding in the amount of $144,556 has been budgeted in anticipation of the award. **P. 13**

D. Authorization of a Joint Funding Agreement with the US Department of the Interior, US Geological Survey (USGS). (461-08) (Martin/Taylor)
This request will authorize a Joint Funding Agreement with the US Department of the Interior, USGS, to continue the operation and maintenance of a gaging station and rainfall network in Fayette County from October 1, 2008 through September 30, 2009. The USGS will contribute $57,940 and LFUCG will contribute $86,910 towards the program for a total of $144,850. Funds are budgeted. **PP. 14 -15**

E. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement at Property Located at 2725 Brannon Road for the South Elkhorn Force Main Project. (460-08) (Martin/Taylor)
This request will authorize a Deed of Acceptance at a cost of $10,900 for the acquisition of 94,749 square feet of Permanent Sanitary Sewer Easement and 94,749 square feet for a Temporary Construction Easement at property located at 2725 Brannon Road for the South Elkhorn Force Main Project. Funds are budgeted. **P. 16**

F. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement at Property Located at 5170 Harrodsburg Road for the South Elkhorn Force Main Project. (459-08) (Martin/Taylor)
This request will authorize a Deed of Acceptance at a cost of $12,000 for the acquisition of 72,331 square feet of Permanent Sanitary Sewer Easement and 73,331 square feet for a Temporary Construction Easement at property located at 5170 Harrodsburg Road for the South Elkhorn Force Main Project. Funds are budgeted. **P. 17**

G. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement at Property Located at 4615 Nicholasville Road for the South Elkhorn Force Main Project. (465-08) (Martin/Taylor)
This request will authorize a Deed of Acceptance at a cost of $13,500 for the acquisition of 64,733 square feet of Permanent Sanitary Sewer Easement and 64,733 square feet for a Temporary Construction Easement at property located at 4615 Nicholasville Road for the South Elkhorn Force Main Project. Funds are budgeted. **P. 18**

H. Authorization of a Change Order No. 1 to Contract with Strand Associates, Inc. Regarding the Solid Waste Facility Expansion Project. (463-08) (McFadden/Taylor)
This request will authorize Change Order No. 1 to increase contract amount by $44,504 with Strand Associates, Inc. regarding the Solid Waste Facility Expansion Project. This change will extend the completion date and the rebid of truck sheds. The original contract amount was $408,600. New contract amount is $453,104. Funds are budgeted. **PP. 19 - 20**

I. Authorization of an Agreement with the Marriott Griffin Gate Resort & Spa on Behalf of the Department of Public Safety, Division of Police for the Crime Analysts Symposium. (458-08) (Bastin/Bennett)
This request will authorize an agreement in the amount of $2,263 with the Marriott Griffin Gate Resort & Spa on behalf of the Division of Police for the Crime Analysts Symposium on September 5, 2008. Funds are budgeted. **P. 21**

J. Authorization to Amend Ordinance No. 261-2007 with C Brothers LLC and Hillenmeyer Properties LLC for Developer Reimbursement for Construction of a Sanitary Sewer Trunk Line. (457-08) (Rayan/D. Kelly)
This request will authorize an amendment to Ordinance No. 261-2007 to increase the amount of reimbursement by $105,312 with C Brothers LLC and Hillenmeyer Properties LLC for the construction of a sanitary sewer trunk line. During construction, karst features were encountered that required additional design and construction to ensure the security of the trunk sewer and to maintain the existing pattern for groundwater movement through the project area. Original estimated cost was $477,780.30. New estimated cost is $553,092.30. Funds are budgeted. **PP. 22 - 23**

K. Authorization of a Standard Software Maintenance Agreement with New World Systems Corporation on Behalf of the Department of Public Safety, Division of Police. (464-08) (Bastin/Bennett)
This request will authorize a Standard Software Maintenance Agreement at a cost of $240,369 with New World Systems Corporation on behalf of the Division of Police for standard maintenance support services to include upgrades and revisions to the software application package. Agreement is for one year beginning July 1, 2008. Funds are budgeted. **P. 24**

L. Authorization to Accept Award from the Kentucky Justice and Public Safety Cabinet, Kentucky State Police on Behalf of the Department of Public Safety, Division of Police for Operation of a Ticketing Aggressive Cars and Trucks (TACT) Grant Program – FY2009. (467-08) (P. King/Bennett)
This request will authorize the acceptance of an award of federal funds in the amount of $60,000 from the Kentucky Justice and Public Safety Cabinet, Kentucky State Police on behalf of the Division of Police for operation of a TACT program. The Cabinet selected LFUCG Division of Police as a recipient of these funds. Funds will be used for officer overtime in the performance of TACT activities. The source of federal funds is the US Department of Transportation, Federal Motor Carrier Safety Administration under the Motor Carrier Safety Assistance Program. A 20% ($15,000) match is required and will come from existing budgeted staff salaries in the Division. Total project cost is $75,000. **P. 25**

M. Authorization of a Pass-Through Agreement with MASH Services of the Bluegrass, Inc. for Operations of the MASH Drop Inn Facility. (468-08) (P. King/ Helm)

This request will authorize a pass-through Agreement with MASH Services of the Bluegrass, Inc. for federal funds in the amount of $173,458 from the US Department of Health and Human Services under the Runaway and Homeless Youth Program for operation of the MASH Drop Inn Facility. This Facility provides shelter and counseling for runaway, abused, or troubled youth through 17 years of age. Under the pass-through Agreement, MASH Services of the Bluegrass, Inc. must contribute $17,346 in local matching funds and meet the program requirements required in the grant agreement from the US Department of Health and Human Services. Total project cost is $190,804. **P. 26**

***Denotes Consent Decree, MP Recommendation, or Prior MP Recommendation**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

August 19, 2008

Mayor Newberry chaired the meeting, calling it to order at 3:03pm. All Council Members, except Peggy Henson were in attendance.

I. Public Comment – Issues on Agenda

II. Requested Rezonings/Docket Approval

Motion by Myers to approve the docket, seconded by DeCamp, motion passed.

III. Approval of Summary

Motion by Lane to approve summary, seconded by Myers motion passed.

IV. Budget Amendments - NONE

V. New Business

Motion by Stevens to approve new business items, seconded by Gorton, motion passed.

VI. Continuing Business/Presentations

Fire Hydrant Presentation – Major Doug Ingram, Div. of Fire and Emergency Services.

Stevens asked a question about fees, Gorton asked about franchise agreement with the water company and Beard shared an observation about fire hydrants in his neighborhood.

Bluegrass State Games- Commissioner Koch

Chairman and two board members of Bluegrass State Games attended. A Power Point presentation given covering a list of sponsors, history, facts and 2008 Goals for the games.

VII. Council Report

Gorton announced date/time and location of Flight 5191 Memorial Service. Dave Barberie responded to Gorton's earlier question regarding fire hydrants.

Motion by James to place on Thursday 8-21-08 docket a resolution authorizing the Mayor to execute an agreement with the Roots & Heritage Festival, Inc. for the 2008 Roots & Heritage Festival, seconded by Gorton, motion passed.

Stinnett asked if the council would receive a copy of the agreement.

Motion by James to place the issue of surplus property such as vehicles and equipment, referring Section 7-15 of the Code of Ordinances into the Budget & Finance Committee, seconded by Stinnett, motion passed..

Motion by James to place UDAG utilization fees into the Budget & Finance Committee for review a, seconded by Gorton, motion passed.

Blues announced neighborhood association meetings for Spiegel Heights and Antioch Baptist to be held Thursday, August 24, 08.

Motion by Blevins to place on Thursday, 8-21-08 docket a resolution authorizing the Mayor on behalf of UCG, to execute an application for wire or cable line crossing under/over properties and track with R.J. Corman Company and also a resolution authorizing the Mayor on behalf of UCG to execute an Entry Permit with R. J. Corman Railroad Company/Central Kentucky Lines, seconded by Lane, motion passed.

Blevins thanked Kevin Wente, Public Works for his help with the Committee for Citizens with Disabilities.

Motion by DeCamp to place on Thursday, 8-21-08 docket the recommendation by the Davison of Traffic Engineering to reduce the speed limit on Old Vine Street to 25 MPH, seconded by Gorton, motion passed.

Motion by DeCamp to place on Thursday, 8-21-08 docket the re-appointments of 3 board members for the Downtown Development Authority and Lexington Center Corp. which was tabled on the 8-14-08 docket until such time it was established they had not served two full terms and are eligible to serve another term, seconded by Ellinger, motion passed.

Motion by Stevens to place the Clean Air (Smoking) Ordinance into Services Committee as an agenda item for the 9-9-08 meeting, seconded by Beard, motion passed.

Stinnett gave an update on road improvement projects.

Crosbie extended a reminder school was back in session and urged everyone to be even more safety minded.

Motion by Blevins to approve the 8-19-08 NDF List, seconded by Myers, motion passed.

VIII. Mayor's Report

Mayor Newberry mentioned his recent announcement appointing Mike Webb as acting Public Works Commissioner.

Commissioner Koch handed out a packet of information to the council regarding ad-valoreum taxes, addressed discussion regarding the time table and set a tentative dated of 9-11-08 for a public hearing.

Mayor Newberry addressed a question from James regarding $35 million shortfall, expenditures, revenue and projected retirements for 2008 as it relates to a possible reduction of work force.

Motion by DeCamp to adjourn work session, seconded by Gorton, motion passed.

Meeting adjourned 4:20 pm

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

August 26, 2008 Work Session

If the item listed below is on the Agenda, approval of the listed Item 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
457-08 J	26179	Engineering	To provide funds for reimbursement agreement with C. Brothers, LLC by using funds from Sanitary Sewer fund balance. 4002 105,312 105,312*
466-08 C	BA 1697	Community Development	To establish grant budget for Kentucky Pride – FY 2009. 3400 144,556 3400 144,556CR 0*
466-08 C	BA 1698	Community Development	To budget personnel recovery for General Fund- Streets, Roads and Forestry for the Kentucky Pride Project – FY 2009. 1101 40,000CR 40,000CR*
466-08 C	BA 1707	Community Development	To establish personnel recovery for Kentucky Pride grant – FY 2009. 1115 57,050CR 57,050CR*
467-08 L	BA 1708	Community Development	To establish grant budget for TACT (Targeting Aggressive Cars and Trucks) - FY 2009. 3160 75,000 3160 75,000CR 0*
467-08 L	BA 1709	Community Development	To establish grant match and personnel recovery for TACT (Targeting Aggressive Cars and Trucks) – FY 2009. 1101 15,000 1101 15,000CR 0*

EFFECT ON FUND BALANCES

FUND 1101	**40,000***	**INCREASE TO:**	**GENERAL SERVICES DISTRICT**
FUND 1115	**57,050***	**INCREASE TO:**	**FULL URBAN SERVICES DISTRICT**
FUND 3160	**0***	**NO EFFECT ON:**	**US DEPARTMENT OF TRANSPORTATION**
FUND 3400	**0***	**NO EFFECT ON:**	**GRANTS - STATE**
FUND 4002	**105,312***	**DECREASE TO:**	**SANITARY SEWER REVENUE AND OPERATING FUND**

Budget Information For New Business Items

August 26, 2008 Work Session

Item	Number	Amount	Fund	Name / Description
A	442-08	5,297,896.10	4003	Sanitary Sewer Construction Fund
B	462-08	220,000		Federal Grant Funds Requested
C	466-08	144,556 40,000 57,050	3400 1101 1115	Grants - State General Service District – General Fund Urban Service District Fund Budget Journals
D	461-08	86,910	1140	Storm Water Fund - EPA
E	460-08	10,900	4003	Sanitary Sewer Construction Fund
F	459-08	12,000	4003	Sanitary Sewer Construction Fund
G	465-08	13,500	4003	Sanitary Sewer Construction Fund
H	463-08	44,504	1115	Urban Service District Fund
I	458-08	2,263	1101	General Service District – General Fund
J	457-08	105,312	4002	Sanitary Sewer Revenue and Operating Fund Budget Journal
K	464-08	161,047 79,322	1101 4204	General Service District – General Fund Enhanced 911 Fund
L	467-08	75,000 15,000	3160 1101	US Department of Transportation General Service District – General Fund Budget Journals
M	468-08	173,458	3190	US Department of Health and Human Services

*442-08
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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

Memorandum

To: Mayor Jim Newberry
Urban County Council

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

Date: August 18, 2008

Re: Award of Engineering Services Agreement for a
Sanitary Sewer Assessment (SSA) for Group 1 Sewersheds Field Activity
CONSENT DECREE REQUIRED

The purpose of this memorandum is to request a resolution authorizing the award of an engineering services agreement to Stantec Consulting Services, Inc. to prepare the Sanitary Sewer Assessment (SSA) for Group 1 which includes the East Hickman, West Hickman and Wolf Run sewersheds. Inflow and infiltration (I/I), along with capacity needs, can greatly impact the performance of the sanitary sewer system. These problems in the overall system can also impact the performance of the wastewater treatment plants. The purpose of the SSA reports is to identify sources of I/I and to assess the capacity and condition of the sanitary sewer system.

The recommended value of this engineering services agreement is $5,297,896.10. The Selection Committee ranked the Stantec proposal first overall based on the selection criteria included in the RFP. Funds for this project are reflected in the 2008 Sanitary Sewer Financial Model, which was the basis for the 2008 Sewer User Fee increase. Funding has also been included for this work in the FY 2009 and FY 2010 Budgets.

The purpose of this engineering agreement is to complete deliverables associated with LFUCG's Federal Consent Decree. The Consent Decree requirements include completing a system wide SSA, and the Group 1 SSA is the first of three assessments that will ultimately cover all the sewersheds. Reports for each SSA will be submitted to the United States Environmental Protection Agency (USEPA) and the Kentucky Environmental Public Protection Cabinet (EPPC). The Group 1 SSA Report is due to USEPA/EPPC 36 months + 30 days from Lodging or April 14, 2011.

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

pc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Councilmember Don Blevins, Chair of the SSOC
Councilmember Linda Gorton, Chair of the SWOC
Brian Marcum, Director, Division of Central Purchasing
David Barberie, Department of Law
Rod Chervus, P.E., Division of Water Quality

462-08
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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

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

FROM: **PAULA KING, DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **AUGUST 13, 2008**

SUBJECT: **AUTHORIZATION TO SUBMIT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY REQUESTING FEDERAL FUNDS FOR THE EMPOWERING LEXINGTON TO USE POWER WISELY PROJECT**

The Department of Environmental Quality has prepared an application requesting federal funds in the amount of $220,000 for submission to the Environmental Protection Agency under the Cost-Effective Approaches to Reducing Greenhouse Gas Emissions through Energy Efficiency, Clean Energy, and Corporate Greenhouse Gas Management Program. The project, if approved, will provide for the purchase of energy management software that will allow the LFUCG to track and manage energy usage at LFUCG owned/occupied buildings. Program will also provide for the creation of a web "portal" on which innovative energy tracking software will be made available to the community to track energy use at homes and businesses. This portal will also include information on steps that can be taken to reduce energy usage. No matching funds are required.

Council authorization to submit grant application is hereby requested.

Paula King
Director

Xc: Cheryl Taylor, Commissioner of the Department of Environmental Quality

466-08

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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

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

FROM: **PAULA KING, DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **AUGUST 19, 2008**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND ACCEPT AWARD IF OFFERED, FROM THE KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION CABINET FOR THE CONTINUATION OF THE LITTER CONTROL PROGRAM IN FAYETTE COUNTY—FY 2009**

The 2002 Kentucky General Assembly enacted legislation (House Bill 174) providing for litter cleanups to be conducted two times each year on city streets as part of each county's solid waste management plan. The bill created a source of revenue for eligible cities and counties to address roadside litter. The source of funds is the Kentucky Pride Fund. The revenue to each county is based upon a formula using the county's miles of public.roads, the county's rural population, and the county's total population as a proportion of the state's total miles of public roads, rural population, and total population.

The Kentucky Environmental and Public Protection Cabinet has not provided Fayette County with an estimated award for 2009. For budgetary purposes, the amount of $144,556 is the anticipated award for Fiscal Year 2009. If approved, the state financial assistance will be used to support personnel costs of employees whose jobs include the picking up of roadway litter (Divisions of Waste Management and Streets, Roads, and Forestry), contractual costs for litter pick-up, the costs of inner-city and rural Adopt-A-Spot programs, and landfill user fees.

Council authorization to submit application and to accept the award if offered is hereby requested.

Paula King, Director

Xc: Cheryl Taylor, Commissioner, Department of Environmental Quality

461-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

From: Gregory S. Lubeck, P.E., CFM
Municipal Engineer Senior

Date: August 11, 2008

RE: USGS Gauging Contract

With this memorandum is an agreement between the Lexington-Fayette Urban County Government and the United States Geological Survey for the continued operation and maintenance of existing stream flow and rain gauges. These gauges were installed in 1997 by the USGS, and this agreement will assure necessary maintenance through September 30, 2009.

The USGS will provide complete maintenance and collect all data. Any station that fails to operate or is damaged will be repaired by USGS at no cost to LFUCG. Each station will be checked and calibrated monthly by USGS. All data is retrieved via satellite and is made available to us.

This program is ongoing and will require annual funding for proper performance. Funding for this year's agreement for $86,910.00 is included in the FY 2009 annual budget.

Accounting Information: 1140-303204-3363-71205

Approved by:

Charles Martin, P.E.
Director of Water Quality

Cheryl Taylor
Commissioner of Environmental Quality

C: Cassie Felty
File

09.1000.116.USGS Gauges FY09.doc

461-08
15

United States Department of the Interior

U.S. GEOLOGICAL SURVEY

Kentucky Water Science Center
9818 Bluegrass Parkway
Louisville, KY 40299

RECEIVED
AUG 7 2008
ENGINEERING

August 6, 2008

Mr. Gregory S. Lubeck
Lexington-Fayette Urban County Government
101 East Vine Street, 4th Floor
Lexington, Kentucky 40507

Dear Mr. Lubeck:

Enclosed are two originals of Joint Funding Agreement (JFA) 09E4KY2419001 for continuing the operation and maintenance of a gaging station and rainfall network in Fayette county for the period October 1, 2008, through September 30, 2009. The total program cost is $144,850 with Lexington-Fayette Urban County Government contributing $86,910 and the U.S. Geological Survey (USGS) contributing $57,940.

Please sign both originals; return one signed original to this office and retain the other for your records. Work cannot continue beyond September 30, 2008, until we receive the signed original JFA.

Work performed with funds from this agreement will be conducted on a fixed price basis. USGS will bill your office quarterly at the end of each quarter. The results of all work under this agreement will be available for publication by the USGS.

If you should have any questions, please contact me at 502- 493-1913, or Denise Huntsman at 502-493-1901. We look forward to continuing our successful relationship.

Sincerely,

Michael S. Griffin
Acting Director

3 Enclosures

cc: KY035/09E4KY2419001
Reading

460-08
16

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: Mary Bennett MB
Engineering Technician

Date: August 1, 2008

Re: Resolution Authorizing Acceptance of Deed
Project No: 485 – South Elkhorn Force Main Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for a permanent sanitary sewer for the South Elkhorn Force Main Project. The deed will be from Jeanette Germann, Christopher Germann and Logan Germann at a cost of $10,900.00 for the acquisition of 94,749 square feet of permanent sanitary sewer easement and 94,749 square feet of temporary construction easement on the property located at 2725 Brannon Road.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

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

Cheryl Taylor, Commissioner
Department of Environmental Quality

Attachments

c: Robert Bayert, P.E. Rodney Chervus, P.E. Leigh Karr w/a Keith Horn James Wray Yvonne Stone
File

09.P485.406.bluesheet p6

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Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: Mary Bennett MB
Engineering Technician

Date: August 1, 2008

Re: Resolution Authorizing Acceptance of Deed
Project No: 485 – South Elkhorn Force Main Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for a permanent sanitary sewer for the South Elkhorn Force Main Project. The deed will be from Cassity Limited Partnership II at a cost of $12,000.00 for the acquisition of 72,331 square feet of permanent sanitary sewer easement and 73,331 square feet of temporary construction easement on the property located at 5170 Harrodsburg Road.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

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

Cheryl Taylor, Commissioner
Department of Environmental Quality

Attachments

c: Robert Bayert, P.E. Rodney Chervus, P.E. Leigh Karr w/a Keith Horn James Wray Yvonne Stone
File

09.P485.406.bluesheetp3

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Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: Mary Bennett MB
Engineering Technician

Date: August 1, 2008

Re: Resolution Authorizing Acceptance of Deed
Project No: 485 – South Elkhorn Force Main Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for a permanent sanitary sewer for the South Elkhorn Force Main Project. The deed will be from DDD & W, LLC at a cost of $13,500.00 for the acquisition of 64,733 square feet of permanent sanitary sewer easement and 64,733 square feet of temporary construction easement on the property located at 4615 Nicholasville Road.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

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

Cheryl Taylor, Commissioner
Department of Environmental Quality

Attachments

c: Robert Bayert, P.E. Rodney Chervus, P.E. Leigh Karr w/a Keith Horn James Wray Yvonne Stone
File

HORSE CAPITAL OF THE WORLD
101 East Vine Street 4th Floor Lexington, KY 40507 Ph: (859) 258-3410 Fax: (859) 258-3458 www.lfucg.com

463-08 19

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Commissioner's Office

Department of Environmental Quality

TO: Mayor Jim Newberry
Urban County Council

FROM: Penny S. McFadden

DATE: August 18, 2008

RE: Change Order #1 to Solid Waste Facility Expansion Contract with Strand Associates, Inc. for Engineering and Design Services

The Department of Environmental Quality is requesting approval of Change Order No. 1 to the contract with Strand Associates, Inc., the engineering consultant for the Solid Waste facility expansion.

The change order is necessary due to the proposed extension of the project completion date and the rebid of the truck sheds.

The original amount of the contract was $408,600 and the total amount of this change order is $44,504. This brings the new contract amount to $453,104. Money is budgeted for this in account 1115-303501-0001-71299.

The Department of Environmental Quality recommends approval.

463-08
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CONTRACT HISTORY

Contractor: Strand Associates, Inc.

Project Name: Solid Waste Expansion Project

Contract Number: n/a
Contract Date: November 2, 2006
Change Order No. 1

Responsible LFUCG Division: Department of Environmental Quality

Summary of Previous Change Orders to Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount	$ 408,600.00	
B. Cummulative Amount of Previous Change Orders:	$ -	0.00%
C. Total Contract Amount Prior to this Change Order:	$ 408,600.00	
Current Change Order		
D. Amount of This Change Order:	$ 44,504.00	10.89%
E. Cummulative Amount Including All Change Orders:	$ 453,104.00	10.89%

Signature Lines:

Project Manager: Lenny S. McFadden Date: 8/18/2008

Commissioner: _____ Date: 8/18/2008

458-08

LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: August 12, 2008

RE: Marriott Griffin Gate Resort – Crime Analysts Symposium Agreement

Please find attached agreement and blue sheet requesting approval of the agreement between the Lexington-Fayette Urban County Government and the Marriott Griffin Gate Resort & Spa. The Crime Analysts Symposium will be held at this location on September 5, 2008. We are requesting council approval to authorize Mayor Newberry to sign the attached agreement. Upon signing, please forward a copy of the agreement to the Division of Police.

The cost of the symposium is fully funded in the FY09 budget. Budgetary impact is $2,263.00.

R. Bastin

Ronnie Bastin
Chief of Police

cc: Tim Bennett, Commissioner of Public Safety

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457-08 22

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Jim Newberry , Mayor
Urban County Council

From: Hillard Newman, Jr., P.E.
Division of Engineering

Date: August 13, 2008

Re: Authorization to revise Ordinance No. 261-2007

The purpose of this memorandum is to request authorization to amend Ordinance No. 261-2007 to increase the amount of reimbursement with the C. Brothers, LLC and Hillenmeyer Properties, LLC. for the construction of a sanitary sewer trunk line from $447,780.30 to $553,092.30.

The original amount specified in the ordinance was based upon the best estimate of costs available at the time of the agreement. The executed agreement specifies the cost presented therein were estimates and that final reimbursement would be based on actual project costs plus interest. During construction, karst features were encountered that required additional design and construction costs to ensure the security of the trunk sewer and to maintain the existing pattern for groundwater movement through the project area.

Funds for the increased amount will be provided though a budget amendment (No. 1696) moving funds from the Sanitary Sewer "Fund Balance" into the Sanitary Sewer Construction Account (No. 4002-303202-3223-92811).

Approved by:

Marwan Rayan, P.E.
Urban County Engineer

Don C. Kelly

Don Kelly, P.E., Commissioner
Department of Public Works

HN:MR:DC

c: File

457-08
23

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Amendment Number 1696 **Budget Amendment Date** 08/13/08

Requesting Division Engineering

Fund Name Sanitary Sewer

Fund Number 4002

Contact for Additional Information Marwan Rayan

Description

Moving available funds from Sanitary Sewer "Fund Balance" into Sanitary Sewer Construction Account to provide monies needed to pay balance due + interest owed to C Brothers, LLC for Reimbursement Agreement between LFUCG and C Brothers, LLLC for construction of sanitary sewer trunk line per Resolution # 261-2007. Bluesheet in progress to revise resolution.

464-08

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LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: August 13, 2008

RE: New World Systems Corporation – Standard Software Maintenance Agreement

Please find attached the blue sheet and Standard Software Maintenance Agreement between New World Systems Corporation (New World) and Lexington-Fayette Urban County Government. This agreement provides standard software maintenance support services provided by New World, upgrades and revision to the software application package. The attached agreement requires the Mayor's signature. This agreement is for one year beginning July 1, 2008.

This maintenance agreement is fully budgeted. Budgetary impact for FY09 will be $240,369.

Please return the original signed agreement to the Chief's Office upon completion.

R. Bastin

Ronnie Bastin
Chief of Police

Attachment

cc: Tim Bennett, Commissioner of Public Safety

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467-085

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

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

FROM: **PAULA KING, DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **AUGUST 19, 2008**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET, KENTUCKY STATE POLICE FOR OPERATION OF A TICKETING AGGRESSIVE CARS AND TRUCKS GRANT PROGRAM – FY 2009**

The Kentucky State Police has received high priority Motor Carrier Safety Assistance Program funds from the United States Department of Transportation, Federal Motor Carrier Safety Administration for implementation of TACT ("Ticketing Aggressive Cars and Trucks")Grant Program in Kentucky. The Kentucky Justice and Public Safety Cabinet has selected Lexington-Fayette Urban County Government's Division of Police as a recipient of these funds to conduct TACT activities.

Federal funding in the amount of $60,000 will be provided by Kentucky Justice and Public Safety Cabinet to LFUCG for officer overtime in the performance of TACT actiivities. A 20% match is required. The match of $15,000 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is $75,000.

Council authorization to accept the award is hereby requested.

Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety

468-08
26

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

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

FROM: **PAULA KING, DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **AUGUST 18, 2008**

SUBJECT: **AUTHORIZATION TO EXECUTE AN AGREEMENT WITH M.A.S.H. SERVICES OF THE BLUEGRASS, INC. FOR OPERATION OF THE M.A.S.H. DROP INN FACILITY USING A FEDERAL GRANT FROM THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES – FY 2009**

On April 24, 2008 (Ordinance # 75-2008), the Lexington-Fayette Urban County Council authorized submission of application and acceptance of federal funds in the amount of $173,458 from the U.S. Department of Health and Human Services for the operation of a Runaway and Homeless Youth Program. Council authorization is requested to enter into a pass through agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility at 536 West Third Street. The M.A.S.H. Drop Inn facility provides shelter and counseling for runaway, abused, or troubled youth through 17 years of age.

The terms of the agreement stipulate that M.A.S.H. Services of the Bluegrass, Inc., must provide local matching funds and meet the program requirements as required in the grant agreement from the U.S. Department for Health and Human Services.

The agreement specifies that $173,458 in federal funds will be passed through to M.A.S.H. Services of the Bluegrass, Inc., and that M.A.S.H. Services of the Bluegrass, Inc. will contribute $17,346 in local matching funds, for a total project cost of $190,804. Funds are budgeted as follows:

FUND	DID	SECTION	ACCOUNT	BUD REF	PROJECT
3190	900313	0001	71101	2009	RUNAWAY YOUTH

Council authorization to execute the agreement is hereby requested.

Paula King, Director

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

SERVICES COMMITTEE SUMMARY

AUGUST 12, 2008

CM Ellinger chaired the committee meeting. The meeting was called to order at 1:00 p.m. Dr. Stevens was present also.

1. News Rack Ordinance

   CM DeCamp gave an overview of the News Rack Ordinance Task Force.

   David Barberie, Law Department, gave an overview of what the draft ordinance does and does not do.

   CM Blevins asked why the draft ordinance states the "annual fee for issuing a permit shall not exceed $200".

   Mr. Barberie stated the thought was that if it ended up being significantly less than that then they would not charge the full $200. He stated council can decide what the fee is going to be.

   The committee heard from a few citizens.

   CM Crosbie asked if LFUCG would be paying for the corrals.

   Mr. Barberie stated LFUCG would pay for the corrals but there are additional restrictions of the types of boxes that will fit in the corrals that the publishers would have to pay for. He stated the fee is supposed to cover the administrative cost.

   CM Crosbie asked if publishers have ever been asked to do self regulating of the boxes.

   CM DeCamp stated the feeling of the committee was if it was going to be done right then regulations had to be made.

   CM Crosbie asked if there were any small publishers that were on the committee.

   CM DeCamp stated no. He stated the Herald Leader had someone on the committee. He also stated the public was notified of the meetings and could attend.

   CM McChord stated we have had a law on the books that has been ignored. He stated he doesn't feel the self policing really works.

CM Blues asked if the publishers have any recommendations.

Chuck Creacy, Smiley Pete Publishing, stated he would be happy to compile those and submit to the task force.

CM DeCamp stated we need to know what is being placed in the public right of ways.

CM Lane recused himself from the vote.

A motion by CM DeCamp to accept the draft ordinance with the caveat that the 4 issues of liability, annual permit fee, single additional fee and more reasonable phase in time be looked at by the committee and recommendations be brought up at the time it is presented to full council, seconded by CM Myers, passed with one dissent.

2. Residential Parking Permit Procedures

CM Ellinger relinquished the chair to CM Myers.

Dick Murphy, attorney for Mr. & Mrs. Hardin, stated about 10 years ago council passed a residential parking system for Transylvania Park. He stated that system worked well, however; 2 years ago the ordinance was amended to exempt seven properties from that parking system without notifying the owners. The ordinance states that people living in those seven properties may not get permits to park on the street. He stated they are concerned about this because his client has a duplex that has three off street parking spaces and they have more residents than that. Mr. Murphy stated they are concerned about due process as well. He stated they would hope the ordinance would go back to a residential parking system for Transylvania Park. If not, they would like for Mr. Hardin's residents to be allowed to park on the street in front of the place they live. He stated there is another duplex on the street that is allowed to get residential permits but the Hardin's may not.

Craig Hardin spoke to the committee regarding the parking exemption.

CM Ellinger stated it looks as if all the seven properties that are exempted have plenty of parking spaces except Mr. Hardin's.

A motion by CM Ellinger to exempt 315 Transylvania Park from the parking restriction and have it repealed from the ordinance, seconded by CM Crosbie, motion failed.

CM DeCamp stated permit parking goes from 7:00 a.m. to 4:00 p.m. He stated the PVA records are not complete and there are a lot of

discrepancies with the properties on Transylvania Park. CM DeCamp stated he would like for the parking authority to meet with the neighborhood and study this now that they are the new regulatory agency for parking and come back to the committee next month with recommendations.

CM Blevins asked if it would be better to work with BOAR to get Mr. Hardin his fourth spot in the off street parking.

Mike Johnson resident of Transylvania Park spoke to the committee.

A motion by CM DeCamp to turn this situation over to the parking authority for them to work with the neighborhood and come back to the Services Committee next month with recommendations, seconded by CM Ellinger, passed without dissent.

CM Myers turned the chair back over to CM Ellinger.

3. Items in Committee

A motion by CM Myers to combine Citizen's Advocate Standards and Citizen's Advocate Policy/Procedures and place into Intergovernmental Committee, seconded by CM Crosbie, passed without dissent.

The meeting adjourned at 2:30 pm.