

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
February 23-March 2, 2009**

Monday, February 23

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, February 24

Neighborhood Development Bond Fund Oversight Committee Meeting.....10:30 am
Conference Room-5th Floor Government Center

Outside Agency Oversight Committee Meeting.....11:30 am
Conference Room-5th Floor Government Center

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

Mayor's Youth Council Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Central Sector Public Input Meeting.....6:00 pm
Lexington Public Library

Wednesday, February 25

Government Center Task Force Meeting.....9:00 am
Conference Room-5th Floor Government Center

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

Special Meeting-Committee of the Whole re: Airport Audit Report.....12:30 pm
Council Chambers-2nd Floor Government Center

MPO-Transportation Policy Committee Meeting.....1:30 pm
Council Chambers-2nd Floor Government Center

Student Housing Task Force Meeting.....4:00 pm
Conference Room-5th Floor Government Center

Thursday, February 26

Storm Water Fee Task Force Meeting.....9:00 am
Council Chambers-2nd Floor Government Center

Lexcall 311 Council Workshop.....4:30 pm
Conference Room-5th Floor Government Center

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

Public Meeting re: Raven Run Additions.....7:00 pm
Council Chambers-2nd Floor Government Center

Friday, February 27

Mayor's Bicycle Task Force Meeting.....11:30 am
Conference Room-5th Floor Government Center

Mayor's Commission on the American Recovery & Reinvestment Plan.....3:00 pm
Council Chambers-2nd Floor Government Center

Monday, March 2

Fayette Co. Rural Land Management Board Meeting.....3:00 pm
Conference Room-5th Floor Government Center

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

February 24, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, February 17, 2009, pp.6-11**
- IV. Budget Amendments – Yes, pp.12-17**
- V. New Business, pp.19-41**
- VI. Continuing Business / Presentations**
 - A. Planning Committee, pp.42-46**
 - B. Partners for Youth**
 - C. American Red Cross Proclamation**
- VII. Council Report**
- VIII. Mayor's Report – No**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Advertise the Position of Administrative Specialist Principal in the Department of Public Safety, Division of Police, within LFUCG. (151-09) (Allen/Koch)

This request will authorize the advertisement of the position of Administrative Specialist Principal in the Division of Police within LFUCG. It has been determined LFUCG has a balanced EEO pool of internal candidates who could apply and are qualified for this position.**p.19**

- B. Authorization to Submit a Grant Application to the Kentucky Transportation Cabinet on Behalf of the Department of Public Works and Development, Division of Planning and the Young Men's Christian Association (YMCA) of Central Kentucky, under the Safe Routes to School Program (SRTS). – FY2010. (153-09) (P. King/Webb)

This request will authorize the submission of a grant application by the Division of Planning and the YMCA of Central Kentucky to the Kentucky Transportation Cabinet for federal funds in the amount of \$65,000 under SRTS. This project will target two (2) schools for program implementation which include student programs on bicycle and pedestrian education. It will also include public awareness campaigns with educational materials supporting motorist education, safe routes for walking and bicycling, healthy lifestyles, and training for volunteers and managers leading SRTS programs offered by the League of American Bicyclist and YMCA of the USA. Funds will be used for equipment and supplies to include a cargo trailer, storage shed, bicycles, helmets, and funding for salary reimbursement for the YMCA SRTS coordinator. LFUCG will serve as the applicant for this project. No matching funds are required.**p.20**

- C. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and Temporary Construction Easement for the Georgetown Street Sidewalk Improvements Project. (154-09) (Rayan/Webb)

This request will authorize a deed of acceptance for a permanent sidewalk easement and temporary construction easement at a cost of \$150 for 84.75 square feet of permanent sidewalk easement and 69.39 square feet of temporary construction easement from the property located at 325 Roosevelt Boulevard for the Georgetown Street Sidewalk Improvement project. Funds are budgeted.**p.21**

D. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (155-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$725 for 477.9 square feet for property located at 3440 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.22

E. Authorization of a Deed of Acceptance for a Fee Simple Acquisition of Permanent Right of Way and Temporary Construction Easement for the Clays Mill Road Improvements Project. (156-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement for 941.2 square feet and 419 square feet of permanent right-of-way (fee simple) at a cost of \$4,575 at property located at 664 Cromwell Way for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.23

F. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (157-09) (P. King/Webb)

This request will authorize a deed of acceptance for a temporary construction easement at a cost of \$2,025 for 1337.6 square feet at property located at 665 Cromwell Way for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.24

G. Authorization of a Deed of Acceptance for a Permanent Storm Sewer Easement and Temporary Construction Easement for the Clays Mill Road Improvements Project. (158-09) (P. King/Webb)

This request will authorize a deed of acceptance for a permanent storm sewer easement and temporary construction easement at a cost of \$8,850 for 5322.2 square feet of temporary construction easement and 600 square feet of permanent easement at property located at 3564 Clays Mill Road for the Clays Mill Road Improvements project from the intersection with Harrodsburg Road to the intersection with Man O' War Boulevard. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.25

H. Authorization to Amend Section E of Agreement with KKG to Change Scope of Services Provided in Miscellaneous Section of the Agreement (159-09) (Webb)

This request will authorize amendment of Section E of the original Agreement with Kinzelman, Klein and Gossman, LLC to include two additional Traffic Engineering services—Phase 1 Traffic Study and Kentucky Transportation Cabinet Encroachment Permit resulting in a change to the consultant fees listed in Section E of the Agreement. Funds are budgeted.**pp.26-31**

I. Authorization for Award of Public Education Services Contract – Public Education Partnership with the Lexington Legends to Educate Public About Stormwater and Household Waste Management Required by Stormwater Quality Management Program. (160-09) (Taylor)

This request will authorize the award of a public education contract to the Lexington Legends. Work associated with this contract consists of several tasks that will be completed between April and September of 2009. Funds will come from the Division of Waste Management and Water Quality from funds budgeted for public education. The purpose is to educate the public about stormwater and household waste management and to complete public education requirements as stipulated by the Stormwater Quality Management Program (Consent Decree Appendix D). Funds are budgeted.**p.32**

J. Authorization of Change Order No. 1 (final), to Contract #923, with Meyer Midwest, Inc., for the Elizabeth Street Drainage Improvements Project (#384), in the Amount of \$10,609.24, Increasing the Contract Amount to \$307,444.74. (152-09) (Martin/Taylor)

This request will authorize Change Order No. 1 to contract with Meyer Midwest, Inc., for the Elizabeth Street Drainage Improvements Project. This change is final closeout order to adjust "bid quantities" to quantities actually required to complete the project resulting in an increase of \$10,609.24 for a total of \$307,444.74. Funds are budgeted.**pp.33-37**

K. Authorization of a Metaformers Ordering Document and Purchase Order Request Regarding PeopleSoft Enterprise Real Estate Management (REM) and Enterprise Transaction Billing Processor. (122-09) (Dhuwaraha)

This request will authorize a Metaformers ordering document and purchase order request in the amount of \$43,422.86 for PeopleSoft Enterprise REM license update and support and for PeopleSoft Enterprise Transaction Billing Processor license update and support for Project Synergy. The ordering and purchase will be through Metaformers to Oracle. Funds are budgeted.**pp.38-40**

L. Authorization to Execute a Corrected Encroachment Agreement With JDL-Lexington, LLC. The original Agreement Contains an Incorrect Legal Description. (161-09) (Askew)

Council authorization is being requested to authorize the Mayor to execute a Corrected Encroachment Agreement with JDL-Lexington, LLC. The original Encroachment Agreement which was executed in 2005 contained an incorrect legal description.**p.41**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

February 17, 2009

Mayor Newberry chaired the meeting. All Council Members were present.

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

A motion by CM Gorton to approve the summary of 2/10/09, seconded by CM Ellinger, passed without dissent.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization of a Release of Easement at Property Located at 316 – 320 Silverbell Trace (Sunny Slope Farm). (116-09) (Askew)
- B. Authorization of Release Easements on Properties Located in Units 4A, 4B, and 3B of Denton Farms, Inc. (121-09) (Askew)
- C. Authorization of a Surety Bond for Donald W. Blevins, Jr., Fayette County Clerk. (123-09) (Askew)
- D. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Finance and Administration, Divisions of Accounting and Human Resources. (115-09) (Allen/Koch)
- E. *Authorization to Advertise for Bids Regarding Taxable General Obligation Bonds for the Policemen's and Firefighters' Retirement Fund. (118-09) (Koch)
- F. Authorization to Issue Taxable General Obligation Bonds Regarding the Policemen's and Firefighters' Retirement Fund. (119-09) (Koch)
- G. Authorization of a Reimbursement Resolution Regarding the Lyric Theatre Project. (120-09) (Koch)

- H. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (126-09) (P. King/Webb)
- I. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (127-09) (P. King/Webb)
- J. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (128-09) (P. King/Webb)
- K. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (129-09) (P. King/Webb)
- L. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (130-09) (P. King/Webb)
- M. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (131-09) (P. King/Webb)
- N. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (132-09) (P. King/Webb)
- O. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (133-09) (P. King/Webb)
- P. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (134-09) (P. King/Webb)
- Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (135-09) (P. King/Webb)
- R. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (136-09) (P. King/Webb)
- S. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (137-09) (P. King/Webb)

- T. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (138-09) (P. King/Webb)
- U. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (139-09) (P. King/Webb)
- V. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (140-09) (P. King/Webb)
- W. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (141-09) (P. King/Webb)
- X. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Stormwater Easement for the Clays Mill Road Improvements Project. (142-09) (P. King/Webb)
- Y. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (143-09) (P. King/Webb)
- Z. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (144-09) (P. King/Webb)
- AA. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (145-09) (P. King/Webb)
- BB. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (146-09) (P. King/Webb)
- CC. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (147-09) (P. King/Webb)
- DD. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (148-09) (P. King/Webb)
- EE. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Sidewalk Easement for the Georgetown Street Sidewalk Improvements Project. (149-09) (Rayan/Webb)

FF. Authorization of a Deed of Acceptance for a Temporary Construction Easement and a Permanent Sidewalk Easement for the Georgetown Street Sidewalk Improvements Project. (150-09) (Rayan/Webb)

GG. Authorization of Change Order No. 2 to Contract with Bluegrass PRIDE Regarding the Waste Buster Recycling Program and Anti-Litter Public Education Campaign. (125-09) (Feece/Taylor)

HH. Authorization of Change Order No. 1 to Contract with Gershman Brickner and Bratton, Inc., Regarding the Master Plan Recycling Program. (124-09) (Feece/Taylor)

A motion by CM Myers to substitute CM Lane's motion to place the Lyric Theatre report into the Budget & Finance Committee, seconded by CM James passed by a 11-3 vote, with 1 abstention.

A motion by CM Myers to refer item "G" to the docket and the report from the Lyric Theatre to the Budget & Finance Committee, seconded by CM James, passed by a 14-0 vote, with 1 abstention.

A motion by CM Beard to approve the items A-HH of new business, seconded by CM Gorton, passed unanimously.

VI. Continuing Business / Presentations

A. Corridors Committee

This update was not given.

B. Inter Governmental Committee

This update was not given.

C. Ten-Year Update to Parks & Recreation Master Plan and Hisle Park Master Plan Presentation

This presentation was given by Chris Camp, President of Loss and Associates, Nashville TN. Some CMs made comments.

A motion by CM Stinnett to place the 10-yr update to Parks & Recreation Master Plan and Hisle Park Master Plan into the Planning Committee, seconded by CM Gorton, passed without dissent.

VII. Council Report

CM Gorton-A motion by CM Gorton to approve the NDF list for 2/17/09, seconded by CM Lane, passed without dissent.

CM Stinnett- Stated that the Links information was in the CMs' mailboxes; stated that the lane closure at Todds and Caden will be until 3/26/09- for sewer line work; tonight at 6:30 pm Shetlands and Westwind NA meeting at Residence Inn in Hamburg; reminded everyone of the 6th Dist. Presidents' meeting on 2/23 at Spencerian College at 6:30 pm, also said that he would be placing in the mailboxes a resolution referencing WEG.

CM Ellinger- Thanked everyone who participated in the Affordable Housing Workshop and asked VM Gray to appoint a task force for it.

CM Martin- Sent thoughts and prayers to Former Mayor Miller and her family for her husband's accident; also wished his daughter Ellie a Happy Birthday!

CM Blues- Announced neighborhood association meetings: on 2/19 at 7 pm, Melrose and Speigle Heights and on 2/23 at 7 pm, Oakwood and Marlboro-Radcliff.

CM Feigel- Made a motion about the airport board but withdrew it after VM Gray made his statement about the State Auditor.

VM Gray- Stated that State Auditor Luallen called him right before work session and said that her investigation of the airport board was concluded and said that she could come here next week. The Mayor suggested 2/25/09 at 12:30 pm.

CM McChord- Announced that 2 wks from tonight, 3/3/09, Stonewall NA will meet at Stonewall Elementary School; spoke about how nice people treated others during the recent ice storm- Jim Sawyer, owner of Sawyer's, gave coupons for dinner to all of the KU workers.

CM Lawless- A motion by CM Lawless to place into the Planning Committee the big blue horse for our branding, seconded by CM McChord, passed by a 12-1 vote.

CM James- Announced the Disproportionate Minority Confinement Report meeting on 2/19/09 at 4 pm in the 5th floor Government Center.

A motion by CM James to place into the Planning Committee a draft ordinance relating to the Heritage Tree Program, seconded by CM Ellinger, passed without dissent.

A motion by CM James to place into the Inter Governmental Committee the draft ordinance relating to the construction apprenticeship program, seconded by CM Beard, passed without dissent.

VIII. Mayor's Report-None

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

A motion by CM Blues to adjourn work session, seconded by CM McChord, passed without dissent.

Work Session adjourned at 5:17 pm.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	0000030686	DIVISION	Revenue	Fund Name	General Fund
				Fund Impact	28,540.00
					28,540.00CR
					.00

To provide services of (2) two outside temporary employees for the period of Dec. 2008 through April 2009 with the new Minimum Business License and other high volume tasks.

JOURNAL	0000030687	DIVISION	Police	Fund Name	General Fund
				Fund Impact	8,750.00
					8,750.00CR
					.00

To establish personnel recovery and grant match for Motor Carrier Safety Assistance Program for FY 2009.

JOURNAL	0000030960	DIVISION	Traffic Engineering	Fund Name	General Fund
				Fund Impact	9,340.00
					9,340.00CR
					.00

To provide funds for overtime by recognizing revenue from a reimbursement for this purpose.

JOURNAL	0000030684	DIVISION	Finance	Fund Name	2008 Bond Fund
				Fund Impact	50,000.00
					50,000.00CR
					.00

To transfer funds budgeted for fiber optic cable installation from Computer Services to Traffic Engineering as they are responsible for installing fiber optic cable from the street into the building.

JOURNAL	0000030822	DIVISION	Fire	Fund Name	2009 Bond Fund
				Fund Impact	18,000.00
					18,000.00CR
					.00

To provide funds for a Trench/Collapse Goose Neck Trailer by decreasing funds for equipment.

JOURNAL	0000030804-5	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	35,570.00
					35,570.00CR
					.00

To reduce SANE revenue and expenses for FY 2009 in accordance with actual grant award.

JOURNAL	0000030688-9	DIVISION	Community Development	Fund Name	US Dept Transportation
				Fund Impact	43,750.00CR
					43,750.00

To establish grant budget for Motor Carrier Safety Assistance Program for FY 2009.

JOURNAL	0000030962	DIVISION	Community Development	Fund Name	US Dept Transportation
				Fund Impact	6,260.00
					6,260.00CR
					.00

To amend the Traffic Control Budget to provide additional capital funds for purchase of traffic signal equipment.

JOURNAL	0000030801	DIVISION	Community Development	Fund Name	Grants – State
				Fund Impact	332,000.00
					332,000.00CR
					.00

To amend Green Acres Stormwater Project budget to provide for seasonal salary and home flood proofing activities.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	2517	2008 Bond Fund	.00
Fund	2518	2009 Bond Fund	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3400	Grants – State	.00



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 30687 and 30688-89
Requesting Division Community Development
Fund Name General Fund and US Department of Transportation
Fund Number 1101 and 3160
Contact for Additional Information Irene Gooding-3079

Description

Budget Journal 30688-89 establishes the grant budget for MCSAP for fiscal year 2009. The Memorandum of Agreement executed by the Kentucky Justice and Public Safety Cabinet (authorized by Council in Ordinance No. 191-2007) had an ending date of December 31, 2008, and an automatic renewal for an additional five-year period. The approved budgets for fiscal years beyond 2008 amend the Memorandum of Agreement.

The budget for FY 2009 is \$35,000 in federal funds requiring a 20% match in the amount of \$8,750. Federal funds shall be expended for overtime (account 63152) in the amount of \$21,900; Medicare employers' contribution (Account # 63621) in the amount of \$320, and Unemployment insurance (Account # 63622) in the amount of \$20. Federal funds in the amount of \$6,700 shall be expended for training (Account # 74101), Wireless cards for reporting in the amount of \$5,000 (Account # 72203), Wheel chocks and creepers in the amount of \$650 (Account # 75101), Computer software in the amount of \$410 to upgrade software program (Account # 96202).

Match funds in the amount of \$8,750 will be documented by officers' regular time which is already budgeted in the general fund. Accounts 63131, 63511, 63615, 63621, 63622 have been budgeted in the grant fund in the amount of \$8,750. This is budgeted on the grant side, in order to document the match. Revenue account # 45911 (Transfer from General Fund) is budgeted in the amount of \$8,750.

Budget Journal 30687 addresses the general fund side. A grant match of \$8,750 has been budgeted (Account # 78201) and is offset by a credit of \$8,750 to Personnel Recovery (Account # 63964).



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 30804-5
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079
Description

Actual federal award for SANE was reduced by \$35,570. The following accounts were reduced: Professional Services (71299) in the amount of \$5,140; Operating Supplies and Expenses (75101) in the amount of \$1,430; and , Capital Equipment (95203) in the amount of \$29,000. Intergovernmental Revenue-Federal (44010) was reduced by \$35,570.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 30962
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding--3079
Description

Budget Amendment for Traffic Control grant decreases Account # 71201 (Professional Services) by \$6,260 for the purpose of increasing Account # 91611 (Traffic Signal Equipment) by \$6,260 in order to complete the project.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 30801
Requesting Division Community Development
Fund Name Grants -- State
Fund Number 3400
Contact for Additional Information Irene Gooding--3079
Description

With the approval of the Kentucky Infrastructure Authority, the budget for the Green Acres Stormwater Project is being amended to include Seasonal Salaries (63312) in the amount of \$51,050 for purposes of hiring an experienced Engineering Technician who will assist Green Acres homeowners design improvements for floodproofing their homes. Funds in the amount of \$3,900 are budgeted in FICA (63621), funds in the amount of \$50 are budget in Unemployment Insurance (63622), and funds in the amount of \$5,000 are budgeted in Business Travel (74201) as support for the activities of this seasonal employee. Funds in the amount of \$272,000 are budgeted in Assistance-Other (78112) for purposes of reimbursing these homeowners 100% of the costs to make property improvements to keep stormwater out of their houses.

Budget Information For New Business Items
February 24, 2009 Work Session

Item	Number	Amount	Fund	Name / Description
A	151-09	NA		
B	153-09	NA		
C	154-09	150	2514	2005 Bond Fund
D	155-09	725	3160	US Department of Transportation
E	156-09	4,575	3160	US Department of Transportation
F	157-09	2,025	3160	US Department of Transportation
G	158-09	8,850	3160	US Department of Transportation
H	159-09		3300	Grants - Other
I	160-09	18,750 18,750	1115 1140	Urban Service District Fund Storm Water Fund
J	152-09	10,609	2512	2003 Bond Fund
K	122-09	43,422	2518	2009 Bond Fund
L	161-09	NA		

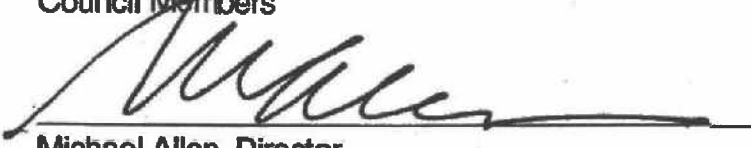


151-09

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: February 11, 2009

SUBJECT: Internal Advertisement for Division of Police

The Division of Human Resources is requesting your concurrence and approval of the internal advertisement of the position of Administrative Specialist Principal in the Division of Police. Current employees will be eligible to compete.

As a natural step in their career progression, we have many LFUCG Staff Assistant Sr., Administrative Specialist and Administrative Specialist Sr. who will likely apply and qualify for this 114E Administrative Specialist Principal position in the Division of Police. It has been determined that we do have a balanced EEO pool of internal candidates who could apply and are qualified for the position. It is our goal that, whenever possible we provide internal promotional opportunities.

If there are any questions, please call Daniel H. Fischer at 258-3030.

df

attachments

cc: Darrylyn Combs, HR Manager, Division of Human Resources

Log # 09-0051



153-09

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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: FEBRUARY 11, 2009.****SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO**
THE KENTUCKY TRANSPORTATION CABINET REQUESTING
FEDERAL FUNDS FROM THE SAFE ROUTES TO SCHOOL PROGRAM--
FISCAL YEAR 2010

In collaboration with the Division of Planning, the Young Men's Christian Association of Central Kentucky (YMCA) has prepared a grant application for submission to the Kentucky Transportation Cabinet requesting federal funds in the amount of \$65,000 under the Safe Routes to School Program (SRTS) for Fiscal Year 2010. If approved, the project will target two schools for program implementation which will include student programs on bicycle and pedestrian education, such as, walking, school buses, bicycle safety, incentive clubs, bike rodeos, and leaders in training. The project will also include public awareness campaigns with educational materials supporting motorist education, safe routes for walking and bicycling, and healthy lifestyles, and training for volunteers and managers leading SRTS programs offered by the League of American Bicyclists and the YMCA of the USA. The long term goal is the establishment of an on-going developmental program that will enable youth to adopt a healthy lifestyle while helping them to develop knowledge, positive attitudes, and leadership skills.

Funds will be used for equipment and supplies to include a cargo trailer, storage shed, bicycles, helmets, and funding for salary reimbursement for the YMCA SRTS coordinator. No match is required. Regulations require that the local government serve as the applicant for the project. If funds are awarded, a subrecipient agreement will be executed between the LFUCG and the YMCA.

Council authorization to submit the application is hereby requested.



Paula King
Director

Xc: Michael Webb, Commissioner of the Department of Public Works and Development

HORSE CAPITAL OF THE WORLD200 East Main Street 6th Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com



154-09

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: February 11, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 - Georgetown Street Sidewalk Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from Geoffrey & Ingrid Grimes at a cost of \$150.00 for the acquisition of 84.75 square feet of permanent sidewalk easement and 69.39 square feet of temporary construction easement from the property located at 325 Roosevelt Boulevard.

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

Approved by:

Marwan Rayan, P.E.
Urban County Engineer

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

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 325 Roosevelt Boulevard

HORSE CAPITAL OF THE WORLD



155-09

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: FEBRUARY 17, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM BRIAN A. AND KELLY R. MILLER AT 3440 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 477.9 square feet of temporary construction easement at 3440 Clays Mill Road from Brian A. and Kelly R. Miller in the amount of \$725.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.

Paula King, Director

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

HORSE CAPITAL OF THE WORLD200 East Main Street 6th Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com



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: FEBRUARY 17, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT AND A DEED OF PERMANENT RIGHT OF WAY (FEE SIMPLE) FROM ROBERT AND RITA SCHARA AT 664 CROMWELL WAY FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

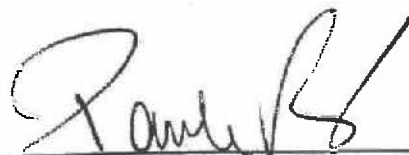
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The Division of Engineering has negotiated a purchase of 941.2 square feet of temporary construction easement and 419 square feet of permanent right of way (fee simple) at 664 Cromwell Way from Robert and Rita Schara in the amount of \$4,575.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deeds of temporary construction easement and permanent right of way (fee simple) is hereby requested.


Paula King, Director

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

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157-09

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: FEBRUARY 17, 2009****SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY**
CONSTRUCTION EASEMENT FROM CHARLES WATSON AND CATHERINE
PRATHER AT 665 CROMWELL WAY FOR THE CLAYS MILL ROAD
IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 1337.6 square feet of temporary construction easement at 665 Cromwell Way from Charles Watson and Catherine Prather in the amount of \$2,025.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.

Paula King, Director

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

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158-09

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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: FEBRUARY 17, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT AND A DEED OF PERMANENT EASEMENT FROM UNITARIAN UNIVERSALIST CHURCH OF LEXINGTON AT 3564 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

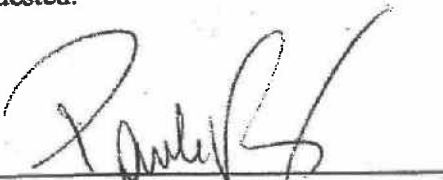
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The Division of Engineering has negotiated a purchase of 5322.2 square feet of temporary construction easement and 600 square feet of permanent easement at 3564 Clays Mill Road from Unitarian Universalist Church of Lexington in the amount of \$8,850.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deeds of temporary construction easement and permanent easement is hereby requested.


Paula King, Director

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

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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Commissioners's Office

Department of Public Works

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Mike Webb, Commissioner
Department of Public Works & Development

DATE: February 17, 2009

RE: Lexington Streetscape Phase One Implementation

On November 1, 2007, the Urban County Council passed Resolution 579-2007 which authorized and directed the Mayor on behalf of the Urban County Government to execute a professional services agreement with Kinzelman, Klein and Gossman, LLC for the Downtown Streetscape Masterplan.

Council authorization is now being requested to amend Section E of the original Agreement with Kinzelman, Klein and Gossman, LLC to include the following additional traffic engineering services: 1) Task One - Phase 1 Traffic Study and 2) Task 2 - Kentucky Transportation Cabinet Encroachment Permit. This change in the scope of services will result in a change to the Consultant fees listed in Section E of the Agreement.

A copy of the scope of services and amended Consultant fee structure is attached to this memorandum. Funds for this project are available in the construction budgets of the Phase I projects.

If you have any questions or need additional assistance, please let me know.


James M. Webb, Commissioner of Public Works & Development

Attachment

HORSE CAPITAL OF THE WORLD

**Lexington Streetscape Phase One Implementation
Design Development Phase
Additional Services for Traffic Engineering**

Task 1 – Phase 1 Traffic Study

To accommodate the project goals for enhanced pedestrian spaces and bicycle mobility, geometric changes have been proposed as part of the Streetscape Master Plan to narrow the existing street cross section for Main Street and Vine Street. In addition, operations for these streets shall be modified to include off-peak on-street parking and the addition of a floating bike lane in conjunction with other travel lane adjustments. The purpose of this additional service task is to evaluate traffic operations for Main Street and Vine Street using Lexington-Fayette Urban County Government's (LFUCG) existing Synchro Model to determine quantitative and qualitative impacts of these proposed modifications and improvements. Through this study we will seek to develop a realistic understanding of proposed traffic operations in context with the various design elements proposed by the Streetscape Master Plan. This will in turn facilitate the necessary dialogue to enable LFUCG to make informed decisions regarding implementation of Phase One Streetscape improvements for Main Street and Vine Street.

More particularly, the purpose of the Phase 1 Traffic Study (Study) is to:

- Update the existing Synchro Models for the AM, Noon, and PM peak-hours based on field data collection completed in late October 2008.
- Add the forecasted traffic from the Centerpointe Development located at Main Street and Limestone Street based on trip generation, distribution, and assignment developed from land use data provided by LFUCG.
- Quantify the impact to motor vehicle travel resulting from the proposed allowance of on-street parking along Main Street and Vine Street during the Noon weekday peak period.
- Recommend the hours during which on-street parking can be allowed based on the noon weekday operations and the 2008 count data.
- Qualitatively discuss impacts to other modes of travel resulting from the proposed changes along Main Street and Vine Street as well as issues relating to implementation of the proposed changes.
- Provide recommendations for additional analysis of a broader study area, if needed.

The Scope of Services associated with this study will include:

Evaluation of Downtown Streetscape Plan Recommendations

- Detailed review of the Plan recommendations in context with traffic modeling.
- The proposed changes impacting motor vehicles with specific emphasis on alternate lane structure and turning movements.
- The proposed changes impacting alternate modes.

Traffic modeling and operations analysis

- Audit of current Synchro Models and recommendation of updates or adjustments, if needed.
- Synchro Modeling of existing conditions during the weekday AM, Noon, and PM peak hours:
 - Update volumes along the Main Street and Vine Street corridors based on the newly collected turning movement count data
 - Compile Measures of Effectiveness (MOEs) from Synchro for the Main Street and Vine Street corridors.
- Synchro Modeling of improved conditions during the AM, Noon, and PM peak hours:
 - Code geometric improvements into existing conditions Synchro Models
 - Adjust turning movement volumes at intersections along Main Street and Vine Street based on traffic forecasts for the Centerpointe Development. This effort includes trip generation for the proposed land uses, trip distribution of the generated traffic, and assignment of the inbound and outbound development trips to the Main Street and Vine Street corridors.
 - Compile MOEs for the Main Street and Vine Street corridors.
- Develop qualitative impacts to alternate modes.
- Consider other impacts of implementing the proposed changes including signal head placement, the need for overhead signage, pavement marking, parties responsible for the costs of these considerations, etc.

Study documentation and meetings

- Coordinate with LFUCG staff regarding the audit of the current Synchro Models to reach consensus on what changes should be made, if any.
- Coordinate with LFUCG staff regarding assumptions impacting trip generation, distribution, and assignment for the Centerpointe development.
- Develop conclusions and recommendations for Phase 2 of the study, if needed.
- Create a draft report. Provide two hard copies and one PDF to LFUCG.
- Meet with LFUCG to review the draft document.
- Revise the draft document.
- Submit the final document. Provide four hard copies and one PDF to LFUCG.
- Two additional meetings with LFUCG and/or other stakeholders.

Estimated Fee – Task 1

Personnel Category	Hourly Rate	Traffic Study Hours	Totals
Principal - Executive	\$198	2	\$396
Principal – Project Manager	160	24	3,840
Engineer VI	145	0	0
Engineer V	119	80	9,520
Engineer IV	97	0	0
Engineer III	83	160	13,280
Engineer I/II	72	184	13,248
Sr. Engineering Tech.	105	0	0
Technician	71	10	710
Land Surveyor	80	0	0
Instrumentman	66	0	0
Administrative Assistant	69	24	1,656
SUBTOTAL		484	\$42,650
Reimbursable Expenses			\$5,350
TOTAL NOT TO EXCEED			\$48,000

159-09

**Lexington Streetscape Improvements
Design Development Phase
Additional Services for Traffic Engineering**

Task 2 – Kentucky Transportation Cabinet Encroachment Permit

The preferred alternative for Streetscape improvements anticipates geometric changes to significant portions of curb line on Main Street and Vine Street to enhance pedestrian spaces, accommodate green infrastructure and to allow for bicycle mobility through the use of non-peak parking and floating bike lanes. Since both Main Street and Vine Street are a part of the Federal Highway System, any proposed change in the roadway character and function are subject to Kentucky Transportation Cabinet (KTC) and Federal Highway Administration (FHWA) review and approval. KTC and FHWA approval of such changes is accomplished through preparation and submittal of an encroachment permit application that ultimately requires final design documentation for agency review and final acceptance. The purpose of this additional service task is to develop conceptual geometric designs with accompanying assessments of impacts to existing infrastructure that may require modification to enable implementation of the plan. Final deliverables for this task will include preparation and submittal of conceptual roadway modifications for KTC and FHWA's preliminary review and concurrence with the preferred alternative of the Streetscape Master Plan. The Scope of Services included with this task is more particularly described as follows:

KTC Encroachment Permit

- Provide assistance and support with activities related to traffic and transportation modifications anticipated for Main Street and Vine Street.
- Assist with alternatives analysis and development of roadway planning schematics.
- Attend up to four meetings with KTC and LFUCG staff and administrators.
- Conduct review and evaluation of strategic downtown intersections.
- Prepare exhibits related to floating bike lane modifications.
- Review impact of conceptual Streetscape designs on vehicular and pedestrian movements, and consider potential signage, and signalization strategies.
- Prepare encroachment permit application and submittal package materials for KTC's review and evaluation of LFUCG's proposal to modify Main Street and Vine Street to request preliminary concurrence with Streetscape Master Plan concept.

159-09

Estimated Fee - Task 2

Personnel Category	Hourly Rate	Traffic Study Hours	Totals
Principal - Executive	\$198	2	\$396
Principal - Project Manager	160	80	12,800
Engineer VI	145	0	0
Engineer V	119	20	2,380
Engineer IV	97	0	0
Engineer III	83	0	0
Engineer I/II	72	80	5,760
Sr. Engineering Tech.	105	110	11,550
Technician	71	32	2,272
Land Surveyor	80	0	0
Instrumentman	66	0	0
Administrative Assistant	69	8	552
SUBTOTAL		332	\$35,710
Reimbursable Expenses			\$4,290
TOTAL NOT TO EXCEED			\$40,000



160-09


Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Commissioner's Office

Department of Environmental Quality

Memorandum

To: Mayor Jim Newberry
Urban County Council

From: 
Cheryl Taylor, Commissioner
Department of Environmental Quality

Date: February 17, 2009

Re: Award of Public Education Services Contract
Public Education Partnership with the Lexington Legends

The purpose of this memorandum is to request a resolution authorizing the award of a public education contract to the Lexington Legends. Work associated with this contract consists of several tasks that will be completed between April and September of 2009. Lump sum fees will be assigned to each task.

Funds for the tasks associated with this contract are to come from the Divisions of Waste Management and Water Quality from funds budgeted for public education.

The purpose of this public education services contract is to educate the public about stormwater and household waste management and to complete public education requirements as stipulated by the Stormwater Quality Management Program (Consent Decree Appendix D). The primary outcome of this work includes:

- An opportunity to develop a relationship with a significant member of Lexington's business community.
- A Legends' outfield billboard to promote the Department of Environmental Quality.
- Environmental tips, events, and recycling collection at all 70 Legends games.
- The opportunity to be a sponsor of a giveaway night that includes publicity from a major Central Kentucky news station.
- A venue in which to promote environmental events hosted by LFUCG.

Questions regarding this agreement should be directed to Cheryl Taylor at 425-2800.

Account Numbers:

1115	303501	0001	71299	\$18,750
1140	303204	3371	71299	\$18,750

pc: Charles Martin, Director, Water Quality
Steve Feese, Director, Waste Management

HORSE CAPITAL OF THE WORLD



152-09

33

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: Bob Bayert, P.E.
Engineering Section Manager


Date: February 4, 2009

Re: Change Order No. 1- Final, Contract No. 923
Elizabeth Street Drainage Improvements Project

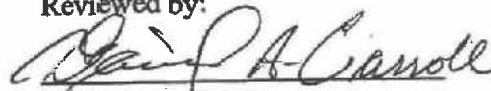
Change Order Number 1 to this contract with Meyers Midwest, Inc. is the closeout change order to adjust "bid quantities" to the quantities actually required to complete the project. This will increase the contract by \$10,609.24, from \$296,835.50 to \$307,444.74.

Funds are budgeted in 2512-303204-3321-92211. The Divisions of Water Quality and Engineering recommend approval.

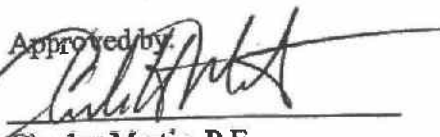
Recommended by:


Bob Bayert, P.E.
Engineering Section Manager


Reviewed by:


David Carroll, P.E.
Municipal Engineer Senior

Approved by:


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

Approved by:


Cheryl Taylor
Commissioner, Dept. of Environmental Quality

C: Darryl Bennett, P.E.

2009.P384.411.CO#1Final

HORSE CAPITAL OF THE WORLD

CONTRACT HISTORY FORM

152-09

Contractor: Meyer Midwest, Inc.
Project Name: Elizabeth Street Drainage Improvements
Contract Number and Date: #923 April 10, 2008
Responsible LFUCG Divisions: Water Quality (design); Engineering (construction)

CHANGE ORDER DETAILS

A. Original Contract Amount: \$ 296,835.50
Next Lowest Bid Amount:
\$ 370,820.92

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

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

D. Amended Contract Amount: \$ 296,835.50

E. Cumulative Amount of All Previous Change Orders: \$ 0 %
(Line E / Line D)

F. Amount of This Change Order: \$ 10,609.24 3.6 %
(Line F / Line D)

G. Total Contract Amount: \$ 307,444.74

SIGNATURE LINESProject Manager: David A. LavelleDate: 01/28/2009Reviewed by: Robert A. BaysDate: 2/03/09Division Director: Charles H. HestDate: 2/11/09

LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT

Date: January 21, 2008 152-09 35

Project: Elizabeth Street Area
Stormwater Project

CONTRACT CHANGE ORDER

Location:

Page 1 of 4

To (Contractor) Meyer Midwest, INC.
2150 Commercial Drive
Frankfort Kentucky 40601

Contract No. # 923

Change Order No. (1) FINAL

You are hereby requested to comply with the following changes from
The contract plans and specification;

Item No. (1)	Description of changes-quantities, unit prices, changes in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
6	(Increase) 15" Storm Sewer Pipe (Class III RCP), by 1 Linear Foot, @ a cost of \$40.00 per Linear Foot.		\$40.00
7	(Decrease) 18" Storm Sewer Pipe (Class III RCP), by 4 Linear Feet @ a cost of \$40.00 a Linear Foot.	\$160.00	
8	(Increase) 24" Storm Sewer Pipe (Class III RCP), by 47 Linear Feet @ a cost of \$50.00 a Linear Foot.		\$2,350.00
9	(Decrease) 24" Equiv. Storm Sewer Pipe (Class III RCP), by 22.30 Linear Feet @ a cost of \$70.00 a Linear Foot.	\$1,561.00	
21	(Delete) Clean, Regrade Railroad Ditch, by a Lump sum of \$2,000.00.	\$2,000.00	
22	(Increase) Flowable Fill, by 1 Cubic Yard @ a cost of \$80.00 a Cubic Yard.		\$80.00
23	(Increase) Bituminous Concrete Surface, by 25.39 Tons @ a cost of \$88.00 a Ton.		\$2,234.32
24	(Increase) Bituminous Pavement Milling and Texturing, by 44.12 Tons @ a cost of \$36.00 a Ton.		\$1,588.32
26	(Decrease) Dense Grade Aggregate (DGA), by 98.95 Tons @ a cost of \$18.00 a Ton.	\$1,781.10	

27	(Delete) No. 2 Stone, by 50 Tons @ a cost of \$19.00 a Ton.	\$950.00	152-09 36
28	(Increase) Type 1 Curb and Gutter, by 64.60 Linear Feet @ a cost of \$35.00 a Linear Foot.		\$2,261.00
29	(Decrease) Header Curb, by 64.00 Linear Feet @ a cost of \$20.00 a Linear Foot.	\$1,280.00	
30	(Decrease) Cement Concrete Entrance Pavement 6", by 55.30 Square Yards @ a cost of \$58.00 a Square Yard.	\$3,207.40	
31	(Increase) Concrete Sidewalk 4 1/2", by 69.80 Square Yards @ a cost of \$45.00 a Square Yard.		\$3,141.00
32	(Increase) Monolithic Curb and Sidewalk, by 30.20 Square Yards @ a cost of \$70.00 a Square Yard.		\$2,114.00
33	(Delete) Concrete Steps, by 2 Cubic Yard @ a cost of \$125.00 a Cubic Yard.	\$250.00	
34	(Decrease) Remove and Construct 6' Wood Fence, by 89.30 Linear Feet @ a cost of \$18.00 a Linear Foot.	\$1,607.40	
35	(Decrease) Temporary Fence Residential, by 275.00 Linear Feet @ a cost of \$15.00 a Linear Foot.	\$4,125.00	
36	(Decrease) Remove and Construct 4' Chain Link Fence, by 112.40 Linear Feet @ a cost of \$20.00 a Linear Foot.	\$2,248.00	
40	(Increase) Sodding, by 1,200 Square Yards @ a cost of \$2.00 a Square Yard.		\$2,400.00
41	(Decrease) Seeding and Protection, by 84.00 Square Yards @ a cost of \$1.00 a Square Yard.	\$84.00	
44	(Decrease) Temporary Silt Fence, by 250.00 Linear Feet @ a cost of \$2.55 a Linear Foot.	\$637.50	
45	(Decrease) Sanitary Main, 8" Ductile Iron, by 2.00 Linear Feet @ a cost of \$25.00 a Linear Foot.	\$50.00	
46	(Increase) Sanitary Laterals, 6" Ductile Iron, by 16.00 Linear Feet @ a cost of \$25.00 a Linear Foot.		\$400.00

48	(Decrease) Internal Inspection of Sanitary Sewer Pipe: CCTV, by 342 Linear Feet @ a cost of \$5.00 a Linear Foot.	\$1,710.00	152-09 ³⁷
49	(ADD) ADS Storm Drains @ a Lump Sum cost of \$9,852.00.		\$9,852.00
50	(ADD) Miscellaneous Materials @ a Lump Sum cost of \$5,100.00.		\$5,100.00
51	(ADD) 6' by 6' Surface Inlet, @ a Lump Sum cost of \$5,700.00.		\$5,700.00
52	(ADD) Repair of Roadway, @ a Lump Sum cost of \$10,000.00.		\$10,000.00
53	A Disincentive Fee of \$1,000 dollars a day, for 15 days for a Lump Sum of \$15,000.00. <i>Total</i>	\$15,000.00	
	Change in contract price due to this Change Order:		
	Total decrease	\$36,651.40	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$47,260.64
	Net (increase) contract price		\$10,609.24

The sum of **\$10,609.24** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **\$307,444.74**.

The time provided for completion in the contract and all provisions of the contract will apply hereto.


Recommended by	<i>David A. Cawdle</i>	(Proj. Engr.)	Date 1/28/2009
Accepted by	<i>Robert A. Amort</i>	Proj. Mgr	(Contractor) Date 1/27/09
Approved by	<i>Charles H. [Signature]</i>	Director (Urban Co. Engr.)	Date 2/4/09
Approved by	<i>[Signature]</i>	(Commissioner)	Date 2-17-09
Approved by		(Mayor or CAO)	Date



122-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Computer Services

MEMORANDUM

TO: Mayor Jim Newberry
FROM:  Chad Cottle, PeopleSoft Project Mgr
VIA: Rama Dhuwaraha, Senior Advisor/CIO
DATE: February 9, 2009
RE: Real Estate Management License and Support

Please find an Administrative Review Form (bluesheet), Metaformers Ordering Document and Purchase Order request for the acquisition of Peoplesoft Enterprise Real Estate Management (R.E.M.) as well as Peoplesoft Enterprise Transaction Billing Processor license update and support.

Real Estate Management integrates with PeopleSoft Enterprise Financial Management to ensure that leases are managed according to terms; cost and space utilization are captured for performance management; and divisions comply with financial processes and controls. R.E.M. will be used for the following purposes:

- To effectively manage the real estate environment and control lease charges with a comprehensive view of lease administration and space management information.
- Optimizing space utilization with streamlined space assigning, occupancy and vacancy tracking, and monitoring capabilities for each defined space—utilize a unique, real-time graphical representation of space attributes, utilization, and occupancy for enhanced management capability.
- Ensuring accounting compliance with a system-wide audit trail that tracks payments from the lease to the vouchering and check cutting and from billings to invoice and payment.

On behalf of the CIO, your approval is requested for this purchase.

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 Mainframe Services/Information Technology/GIS-Applications

(859) 258-3330 FAX (859) 258-3399

122-09

LFUCG must license the software applications ("Software") and buy the technical support services ("Services") (collectively, the "Items") listed on this Purchase Order from Oracle USA, Inc. ("Oracle"). Metaformers, as an authorized Oracle reseller, agrees to order and pay for the Items from Oracle, and LFUCG agrees to pay Metaformers for such items, and to enter such standard form software license and technical support agreements as Oracle may require.

The Items. LFUCG authorizes and directs Metaformers to order from Oracle the Items listed on this Purchase Order. The Items may include Oracle software under license, third party programs licensed (but not authored or owned) by Oracle, and technical support services, such as license updates and support services. In issuing this Purchase Order, LFUCG agrees and acknowledges that it has not relied on the future availability of any Oracle program, third party program or updates after the expiration of the initial twelve (12) month period, nor has LFUCG relied on any statements or representations from Metaformers regarding future availability of any Oracle program, third party program or updates.

Effective Date; Term. The Effective Date of this Modification is January 31, 2009. The Commencement Date for the Software and Services is January 31, 2009. All program licenses for Software, and the period of performance for all Services, are effective upon shipment of tangible media or upon the Commencement Date if shipment of tangible media is not required. Unless otherwise stated in this Modification, the Software is licensed from Oracle for twelve (12) months from the Commencement Date, and the Services will be provided concurrently during that twelve (12) month period.

Ownership of Materials. Notwithstanding anything to the contrary in Section 5.1 of the Agreement, LFUCG agrees that the Software (including any enhancements, updates and fixes of or to the Software) are or will be owned by and the property of Oracle (or third party provider). LFUCG's use of the Software and Services shall be subject to the Oracle License and Services Agreement OLSA V.050108 (the "Oracle End User License") entered into by and between LFUCG and Oracle, a copy of which Metaformers has provided to LFUCG for its review and execution.

Source Code. LFUCG understands that Oracle may directly or indirectly through Metaformers deliver source code to LFUCG as part of its standard delivery for particular programs. LFUCG agrees that all source code received by LFUCG from Oracle or Metaformers is subject to the terms of the Oracle End User License, or such other agreements as Oracle and LFUCG may enter into as it concerns source code.

Acceptance; Inspection; Warranty. LFUCG's rights, and Oracle's obligations, regarding evaluation, review, acceptance, inspection, notice of non-conformity, correction, warranty, and repair of the Items are governed solely by the Oracle End User

License. Metaformers disclaims any liability to LFUCG for claims arising from the Items.

Trial Licenses. Oracle or Metaformers may include additional programs with its delivery to LFUCG, which additional programs LFUCG agrees to use for trial purposes only. LFUCG shall have thirty (30) days from the delivery date to evaluate these additional programs. Any use of these additional programs after the thirty (30) day trial period shall require LFUCG to obtain the applicable license. Programs licensed for trial purposes are provided "as is" and neither Oracle nor Metaformers will provide technical support or any warranties of any kind for these programs.

Technical Support. Under the terms of its reseller agreement with Oracle, Metaformers, if providing first year technical support to LFUCG, is required to inform LFUCG of the amount of the annual technical support fees for the second year of technical support if LFUCG decides to purchase such technical support from Oracle. In compliance with this requirement, Metaformers has informed LFUCG that the amount for the technical support fees for the second year of technical support for the licensed quantity within this Purchase Order is \$8,851.

Expansion. If LFUCG exceeds its licensed quantity set forth within this Purchase Order LFUCG must order the programs (and first year Software Update License & Support for the programs) at the appropriate license and support fees



161-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: February 18, 2009

RE: Corrected Encroachment Agreement

Council authorization is being requested to authorize the Mayor to execute a corrected Encroachment Agreement with JDL-Lexington, LLC for the property located at 222 West Vine Street. The original Encroachment Agreement, which was executed in 2005 and authorized by Resolution 269-2005 contained the incorrect legal description.

If you have any questions, please let me know.



Glenda Humphrey George, Attorney Sr.

cc: Joe Kelly, Sr. Advisor
Rebecca Langston, Council Administrator

HORSE CAPITAL OF THE WORLD

URBAN COUNTY COUNCIL
PLANNING COMMITTEE SUMMARY

February 17, 2009

The Planning Committee was convened at 1:00 PM. All committee members were present. CM Myers attended as a non voting member.

I. Electrical Inspector's Fee Schedule Update

Commissioner Mike Webb advised the committee an amendment to the contract has been completed and asked the council to move it forward for approval.

CM Gorton asked for discussion or questions and there was none.

2. Private Retention/Retention Basin Maintenance

This was a new business item in late January which was pulled and referred to the Planning Committee. A dissent decree is asking for an ordinance on maintenance of privately owned storm water control structures.

Charlie Martin gave a presentation explaining the reason for this proposal. The requirement is proper maintenance, cleaning and repair of privately owned storm water control structures which were required under approved plans already established. Martin gave history - timeline and noted new residential basins/ponds constructed since 2001 will be owned by LFUCG.

Martin covered current expenses of homeowners and HOA's noting LFUCG takes care of structural repairs with limited general fund allocations. Martin explained the current environment, basin/pond inspection, etc. He talked about the impact of the proposed ordinance which he felt there was essentially no impact, saying the homeowner is responsible for light maintenance, LFUCG for all heavy maintenance. And in the case of commercial applications, all maintenance is their responsibility.

He covered additional specific regulatory requirements for basins and ponds. Martin walked the committee members through sections of the proposed ordinance and key text.

He also covered key text from Oct. 2001 report which stated ownership & maintenance responsibilities are not consistent, all retention ponds considered amenity and permanent water volume does not provide any flood control benefit. He referred to table 4 of the Oct. 2001 report for more findings. Conclusion: fundamental issues associated with maintenance of privately owned storm water control devices remain. EPA and KyEEC concerned enough to make the issue an enforceable water quality issues.

Darryl Bennett spoke further on ownership and maintenance practices detention basins and retention ponds. He covered background, criteria for accepting basin ownership and procedure for accepting ownership

there were not questions about that portion of presentation Bennett talked about affected properties - Bold Bidder and situation summary, He talked about 2 plats affected both plats referenced a contiguous open space "dedicated to public use" council decided land was not suitable for park or any public use. The property was obtained by property owners and was transferred 1983 Gorton asked if this instance was being used as an example, Martin explained how the proposed ordinance would be applied to correct issues. A situation like this could be handled with the proposed ordinance

Myers commented about property transfer. He wanted to comment on what initiated the situation. Apparently, he knows the property owners? He asked Martin for distinction between terms "light and heavy" lifting required by property owners and LFUCG. Myers wants to insure part of storm water fee goes to making sure these things are handled. Trees falling, etc. Myers asked Martin about a method to insure having funds for this type of maintenance. Feigel question: concern about a section of the proposed ordinance, Do we have an inventory of facilities that neighborhoods may not be aware of? How can we alert people in city who have detention basin to let them know what they need to do if they want to deed to the city?

Feigel asked how to alert the public if they wanted to grant an easement. Martin said he would like to find a way to insure this information is communicated to property owners. Feigel suggested an inventory or listing so the public could check to see where those issues are and there is time to alert neighborhoods about easements, etc

James said terminology is important and finding a way to educate the public about this issue before it's implemented. Martin said the difficulty is getting public to pay attention. It's an on- going problem with storm water program since it's a mixture of public and private property.

James recommended being proactive about educating the public about their responsibility on this matter.

Gorton reminded Martin about adding an agency into the mix about educating the public.

Gorton asked if one of the requirements of the ordinance to prepare a list, Martin said it was a separate detail that would need to be addressed.

Gorton reminded the committee, the questions were more in line with work of the Storm Water Fee Task Force.

Myers had other questions saying this was more about retention basins and ponds, Storm water controls includes other things, Martin replied and when asked about budget said he was not fully prepared to talk about storm water fee. Martin talked about a plan of implementation. Myers asked when citizens would see their dollars at work once storm water fee is in effect. Martin explained there would be a period of time and lots of background work done before full effect would be realized. Martin to put together a model.

Gorton reminded the committee, the questions were more in line with work of the Storm Water Fee Task Force.

Gorton asked if one of the requirements of the ordinance to prepare a list, Martin said it was a separate detail that would need to be addressed.

Committee members agreed to hear more at a later date on retention basin maintenance.

Motion by VM Gray to move this issue back to council as a new business item to be added to the docket for approval and creation of an ordinance, seconded by CM Beard, passed without dissent.

3. Newtown Pike Status

Project update by Andrew Grunwald who gave scope, brief history, description and update on phase 1 through 4(temporary housing and manufactured homes) and phase 4 -(Main St. to Versailles Rd) Temporary housing construction began Nov. 2007 and ready for occupancy Dec. 2008.

He also gave highlights of project scope and brief history. He talked about phase 4, Main St. to Versailles Rd. - right of way & utility relocations, construction schedule and Signature Bridge.

He told the committee KYTC is handling right of way and LFUCG handling utility construction plans for the bridge sent to KYTC. No feedback to date. KYTC will bid and oversee construction of this phase of Newtown Pike Extension. Letting date of summer 2009 has been assigned. He shared concept pictures of the bridge and talked about coming up with a new name for the street of the proposed new construction.

Feigel asked about moving utilities, referring to the loose of power during the recent ice storm asking if we are planning to bury utilities. He addressed question about utilities for the extension itself. Feigel suggested now is the best time to look at correcting utility issues

4. Liberty Road Project Status

Bob Bayert told the committee right of way acquisition needs to be completed on 5 parcels. The KYTC and LFUCG are both negotiating these. Relocation and reimbursement agreements for some of the parcels have been through Council. Water line relocation to start this month, with gas and electric relocations anticipated to start in March.

Stinnett thanked Bayert for the update and wanted to know if we would be on track for March. Bayert explained since both KYTC and LFUCG are handling portions of the project, the ability to stay on track depends on several factors.

Stinnett asked Bayert to email him more specifics on the project as they become available.

5. Loudon Avenue Project Status

Bob Bayert is also the contract for this project. He said the intersection @ Winchester Rd. was not complete due to relocation of utility poles and a fire hydrant. Intersection and drive way work will be complete when the asphalt plant opens in a couple of months. Some minor work remains along with miscellaneous punch list items.

James thanked Bayert and reminded constituents of some infrastructure work being done by Columbia Gas. She also noted a new traffic signal at Eastland, cautioning drivers to be aware of it.

6. Items Referred to Committee

All items in committee remained with exceptions noted below:

Downtown Master Plan member referral changed from DeCamp to Lawless.

Family Care Center Audit – Paul Schoninger to check with

Commissioner Helm to confirm status.

Motion by Stinnett to remove Day Treatment Facility from the items referred list, seconded by James, motion passed.

Motion by James to remove Backyard Setback from the items referred list, seconded by Blues, motion passed.

Courthouse Area Design Review Recommendations referral changed from Stevens to Lawless.

Meeting adjourned at 2:55 pm