

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
August 10-August 17, 2009**

Monday, August 10

No Meetings

Tuesday, August 11

Committee of the Whole Quarterly Meeting..... 10:00 am
Arboretum

Services 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

Wednesday, August 12

Policemen & Firefighters' Retirement Pension Board Meeting..... 9:00 am
Council Chambers-2nd Floor Government Center

Transportation Technical Coordinating Committee Meeting (TTCC)..... 9:00 am
Conference Room-7th Floor Phoenix Building

Traffic Safety Coalition (TSC) Meeting..... 10:30 am
Conference Room-3rd Floor Phoenix Building

Tree Board Meeting..... 10:30 am
Conference Room-5th Floor Government Center

Thursday, August 13

American Recovery & Reinvestment Act meeting..... 4:00 pm
Conference Room-3rd Floor Phoenix Building

Council Confirmation Hearings..... 6:00 pm
Conference Room-5th Floor Government Center

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

Zone Change Public Hearing: 2981 Cadentown Rd & portion of 3097 Old Todds Rd..... 8:00 pm
Council Chambers-2nd Floor Government Center

Friday, August 14

Mayor's Task Force on Breast Cancer Meeting..... 10:00 am
Conference Room-5th Floor Government Center

Monday, August 17

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

August 11, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, July 7, 2009, pp.11-15**
- IV. Budget Amendments – Yes, pp.16-21**
- V. New Business, pp.24-74**
- VI. Continuing Business / Presentations**
 - A. Budget & Finance Committee, pp.75-77**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (459-09) (Allen/Helm)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances within the Division of Family Services to abolish one (1) position of Health Clinic Nurse – RN Supervisor (Grade 116E) effective July 31, 2009; one (1) position of Health Clinic Director (Grade 118E), one (1) position of Administrative Specialist Principal (Grade 114E), one (1) position of Health Clinic Nurse – RN (Grade 114E), one (1) position of Administrative Specialist (Grade 110N), four (4) positions of Certified Medial Assistant (Grade 110N), and six (6) positions of Staff Assistant Sr. (Grade 108N) effective June 30, 2009. The also amends Section 22-5 of the Code of Ordinances effective June 30, 2009, to abolish one (1) position of Health Clinic Nurse P/T (Grade 114E) and one (1) position of Staff Assistant P/T (Grade 106N) effective June 30, 2009. The fiscal impact for FY2010 will be \$9,550 for the Health Clinic Nurse – RN Supervisor (Grade 116E) through July 31, 2009.**p.24**
- B. Authorization to Accept an Award from the Lexington-Fayette County Health Department (LFCHD) for Continuation of the Home Network Project at the Family Care Center – FY2010. (464-09) (P. King/Helm)
This request will authorize the acceptance of an anticipated award of \$414,712 in *fee-for-service* revenue from the LFCHD to continue the Home Network project at the Family Care Center. This project is funded by the Kentucky Cabinet for Health and Family Services from federal funds in the Kentucky Medical Assistance program and the tobacco settlement fund. A local match of \$31,750 is anticipated and has been requested from the FY2010 General Fund budget.**p.25**
- C. Authorization to Submit an Application to the Knight Foundation on Behalf of the Department of Social Services, Division of Youth Services, for the *Another Chance* Program. (481-09) (P. King/Helm)
This request will authorize the submission of an application for funds in the amount of \$4,000 to the Knight Foundation to continue the *Another Chance* program for high school dropouts between the ages of 16 and 18. This program will provide tutoring, study skills training and instructions in collaboration with the Bluegrass Community and Technical College for completion of the General Education Development (GED) and / or into employment. Funds will be used for GED testing, work attire, fees, printing, food, field trips, incentives, consultant fees, supplies and transportation. No matching funds are required.**p.26**

- D. Authorization of a Mental Health Services Agreement with the Bluegrass Regional Mental Health-Mental Retardation (MH-HR) Board, Inc., on Behalf of the Department of Social Services, Division of Youth Services, (482-09) (Gales/Helm)
This request will authorize a Mental Health Services Agreement at a cost not to exceed \$2,000 with Bluegrass MH-MR Board, Inc., to provide youth, under court ordered jurisdiction or supervision of the Division of Youth Services, mental health and psychological assessments and competency evaluations. Funds are budgeted.**p.27**
- E. Authorization to Accept a Cash Donation from Marcella Nazario on behalf of the Department of Social Services, Family Care Center, for Purchase of Books and Supplies for the Early Start Program. (487-09) (Hendrix/Helm)
This request will authorize the acceptance of a cash donation of \$300 from Marcella Nazario in honor of her son, Sebastian, who is a graduate of the Fayette County Public School Early Start program located in the Family Care Center. Funds will be used to purchase children's books and supplies.**p.28**
- F. *Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (460-09) (Allen/Taylor)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances within the Division of Water Quality to abolish one (1) position of Municipal Engineer (Grade 117E) and one (1) position of Treatment Plant Operator (Grade 113N), create one (1) position of Municipal Engineer Sr. (Grade 119E) and one (1) position of Staff Assistant Sr. (Grade 108N); and amend Section 22-5 of the Code of Ordinances to abolish one (1) position of Municipal Engineer Sr. P/T (Grade 119E) and create one (1) position of Project Engineering Coordinator (Grade 119E) to expire June 25, 2013. The fiscal impact for FY2010 is \$59,721 and will be funded by the Sewer Fund Balance.**p.29**
EPA CONSENT DECREE
- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management and the Department of General Services, Division of Facilities and Fleet Management. (461-09) (Allen/O'Mara)
This request will authorize an amendment to Sections 21-5 of the Code of Ordinances to create one (1) position of Administrative Officer (Grade 118E), one (1) position of Public Service Supervisor Sr. (Grade 114E), two (2) positions of Equipment Operator Sr. (Grade 109N), one (1) position of Enforcement Officer (Grade 110N), five (5) positions of Public Service Worker (Grade 106N), and (1) position of Operations Manager (Grade 116E) within the Division of Waste Management; and one (1) position of Security Officer (Grade 106N) and two (2) positions of Security Officer P/T (Grade 106N) within the Division of Facilities and Fleet Management. This amendment is effective June 22, 2009. Funds are budgeted.**p.30**

- H. Authorization to Amend Resolution No. 500-2009 Regarding Salary of a Probationary Civil Service Appointment. (463-09) (Allen/O'Mara)
This request will authorize an amendment to Resolution No. 500-2009, Section 1, regarding salary of probationary civil service appointment of Dann Dettman. The amendment will correct the salary amount from \$2,289.28 bi-weekly to read \$2,389.28 bi-weekly. There are no other changes associated with this amendment. There is no budgetary impact.**p.31**
- I. Authorization to Amend Resolution No. 517-2009 Regarding Salary of a Probationary Community Corrections Officer Appointment. (469-09) (Allen/O'Mara)
This request will authorize an amendment to Resolution No. 517-2009, Section 2, regarding salary of probationary Community Corrections Officer appointment of Angela Mullins. The amendment will correct the salary amount from \$16.062 hourly to read \$15.062 hourly. There are no other changes associated with this amendment. There is no budgetary impact.**p.32**
- J. Authorization to Accept an Award from the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police, for the Law Enforcement Service Fee Grant Program – FY2010. (465-09) (P. King/Bennett)
This request will authorize the acceptance of state funds in the amount of \$40,583 from the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police for the Law Enforcement Service Fee Grant program. Funds will be used for overtime hours of police officers involved in traffic alcohol patrol. No matching funds are required.**p.33**
- K. Authorization to Accept an Award Offered by the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police and the Fayette County Commonwealth Attorney's Office for Continuation of the Street Sales Drug Enforcement Project – FY2010. (466-09) (P. King/Bennett)
This request will authorize the acceptance of an award of federal funds from the US Department of Justice, Edward Byrne Memorial Justice Assistance Grant program in the amount of \$150,000 offered by the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police and the Fayette County Commonwealth Attorney's Office to continue the Street Sales Drug Enforcement project. A local match of 25% (\$50,000) is required. Matching funds of \$37,084 is budgeted in the Division's General Fund budget. Matching funds of \$12,916 is provided in the General Fund budget for the Commonwealth Attorney's Office. Total project cost is \$200,000.**p.34**

- L. Authorization of an Administrative Modification Agreement to Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911 Regarding the Metropolitan Medical Response System (MMRS) Project. (471-09) (P. King/Bennett)
This request will authorize an administrative modification agreement to agreement with the Kentucky Office of Homeland Security on behalf of the Division of Emergency Management / 911 regarding the MMRS project. This modification agreement will correct the project date from June 30, 2009 to read July 31, 2009. There are no other modifications associated with this agreement.**p.35**
- M. Authorization of an Agreement with the Internal Revenue Service on Behalf of the Department of Public Safety, Division of Police, for Reimbursement of Expenses. (472-09) (Bastin/Bennett)
This request will authorize an agreement with the Internal Revenue Service on behalf of the Division of Police for the reimbursement of certain expenses of local, county and state law enforcement agencies incurred as participants in joint operations / taskforces with US Department of Treasury agents. This agreement is established under 31 U.S.C 9703, the Treasury Forfeiture Fund Act of 1992.**pp.36-40**
- N. Authorization of a Facility Usage Agreement Offered by the Consolidated Baptist Church to the Department of Public Safety, Division of Police, for the Lexington Police Activities League (PAL). (483-09) (Bastin/Bennett)
This request will authorize a Facility Usage Agreement rent free offered by the Consolidated Baptist Church to the Division of Police, Lexington. Lexington PAL will use portions of the facility to provide public services to benefit the residents of Fayette County. The Division will pay for the installation of a phone line and the monthly phone line cost for an annual cost of \$728.90. The agreement is for one year. Funds are budgeted.**pp.41-45**
- O. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Army National Guard (KyARNG) on behalf of the Department of Public Safety, Division of Emergency Management / 911. (473-09) (Dugger/Bennett)
This request will authorize a MOU with KyARNG on behalf of the Division of Emergency Management / 911 that will grant permission for the Division to operate on the Department of Military Affairs Radio Communications Systems (DMARCS) radio frequencies licensed and assigned to KyARNG by the Federal Communications Commission through the Army Frequency Management Office. The DMARCS consist of 53 radio repeater sites positioned around 14 Kentucky Emergency Management (KyEM) areas and are linked through the Kentucky Emergency Warning Systems. The system will be used for day-to-day operational communications by the KyEM duty officers for sharing information and situational awareness between users in the field and the State Emergency Operations Center. There is no budgetary impact.**p.46**

- P. Authorization to Accept a Donation from the Madison County Emergency Management Agency on behalf of the Department of Public Safety, Division of Emergency Management / 911. (478-09) (Dugger/Bennett)
This request will authorize the acceptance of eleven (11) used federal signal outdoor warning sirens from the Madison County Emergency Management Agency.**p.47**
- Q. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on behalf of the Department of General Services for the Gainesway Trail Project – FY2007. (470-09) (P. King/Cole)
This request will authorize the acceptance of an award of federal funds from the Surface Transportation program, Congestion Mitigation and Air Quality Improvement program in the amount of \$446,400 from KYTC on behalf of the Department of General Services for construction of the Gainesway Trail project. The trail will be a two-mile system for pedestrians and bicyclists that will connect Tates Creek High, Tates Creek Middle, Tates Creek Elementary, and Millcreek Elementary schools with Gainesway Park and the community center. A local match of 20% (\$111,600) is required and will be documented from the value of land owned by LFUCG. Total project cost is \$558,000.**p.48**
- R. Authorization to Rescind Resolution No. 105-2003 and Appoint the Commissioner of General Services as Attorney-in-Fact and Approve a Power of Attorney on Behalf of LFUCG Regarding US Department of Agriculture (USDA), Farm Service Agency (FSA) and Community Credit Corporation (CCC) Programs. (479-09) (Hancock/Cole)
This request will authorize to rescind Resolution No. 105-2003 dated March 6, 2003, and the appointment of the Commissioner of General Services as Attorney-in-Fact and approve the Power of Attorney on behalf of LFUCG with the USDA regarding all UCG-owned property subject to the FSA and CCC programs.**pp.49-50**
- S. Authorization of Change Order No. 2 to Contract with G & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project. (488-09) (P. King/Cole)
This request will authorize Change Order No. 2 to increase contract amount by \$9,376.50 with G & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project. This change order will allow for the widening of the park entrance, replacing a broken concrete headwall, and adding wheel stops and additional bollards. Original contract amount was \$37,100. Previous change order amount is \$3,600. New contract amount is \$50,076. Funds are budgeted.**pp.51-53**
- T. Authorization to Amend Section 21-5 of the Code of Ordinances for the Department of General Services, Division of Parks and Recreation. (491-09) (Allen/Cole)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Deputy Director of Enterprise in the Division of Parks and Recreation. Funds are budgeted.**p.54**

- U. Authorization of Change Order No. 2 to Contract with MAC Construction & Excavating, Inc. Regarding the Meadows / Northland / Arlington Public Improvements Design – Phase 3B. (462-09) (P. King/Webb)
This request will authorize Change Order No. 2 to increase contract amount by \$24,976.85 with MAC Construction & Excavating, Inc. for the Meadows / Northland / Arlington Public Improvements Design – Phase 3B. The increase will compensate for costs incurred from March 2008 to February 2009 while waiting for utility relocation and property acquisition. Original contract amount was \$1,176,755. Previous change order amount was \$33,140.44. New contract amount is \$1,234,872.29. Funds are budgeted.**pp.55-57**
- V. Authorization of an Amendment to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Fiber Optic Cable Installation Project. (474-09) (P. King/Webb)
This request will authorize an amendment to agreement with KYTC to provide for the termination of agreement on June 30, 2010 regarding for the Fiber Optic Cable Installation project. All other terms and conditions of the original agreement remain in effect.**p.58**
- W. Authorization of Supplemental Agreement No. 3 to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Loudon Avenue Improvements Project. (475-09) (P. King/Webb)
This request will authorize Supplement Agreement No. 3 to Agreement for federal funds in the amount of \$360,000 offered by KYTC for the Loudon Avenue Improvements project to widen Loudon Avenue to three lanes from Oakhill Drive to Winchester Road. Funds will support final change order for increase cost of asphalt and diesel fuel. A local match of 20 % (\$90,000) is required and will come from the Municipal Aid Program. Total of federal funds allocated for this project is \$4,774,440. Total of local match funds is \$1,193,610. New project total is \$5,968,050.**pp.59-60**
- X. Authorization of Change Order No. 2 to Contract with Central Rock Mineral Company, LLC, (ATS Construction, LLC) Regarding the Loudon Avenue Improvements Project. (480-09) (P. King/Webb)
This request will authorize Change Order No. 2 in the amount of \$356,025.23 to contract with Central Rock Mineral Company, LLC, (ATS Construction, LLC) regarding the Loudon Avenue Improvements project. Funds will be used to compensate for the increased cost of asphalt and diesel fuel. Original contract amount was \$4,589,461.13. Total of previous change order was \$14,556. New contract amount is \$4,960,042.36. Funds are budgeted.**pp.61-63**
- Y. Authorization of Amendment to Agreement with Kentucky Utilities Companies Regarding the Todds / Liberty Road Reconstruction Project. (489-09) (P. King/Webb)
This request will authorize an amendment to agreement with KU for additional funds of \$48,318.45 as LFUCG's shared cost for the relocating and / or adjusting poles located on private right-of-ways for the widening of

Todds / Liberty Road Reconstruction project. Additional funds are a result of increased labor cost. The project is federally funded by the High Priority Project under the US Department of Transportation. Previous shared cost was approximately \$96,782. New shared cost is \$145,100.45. Funds are budgeted.**p.64**

- Z. Authorization of a Professional Services Agreement with Berkley Appraisal Company for Appraisals Regarding the Citation Boulevard – Phase II. (490-09) (P. King/Webb)

This request will authorize a Professional Services Agreement in the amount of \$50,550 with Berkley Appraisal Company to perform before and after reports on twenty-nine (29) properties for the Citation Boulevard – Phase II construction from Southern Railroad to Leestown Road. The project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.**p.65**

- AA. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Beverly Avenue Sanitary Sewer Project. (476-09) (Rayan/Webb)

This request will authorize temporary construction and permanent sanitary sewer easements at a cost not to exceed \$50,000 from recorded property owners for the Beverly Avenue Sanitary Sewer project. Funds are budgeted.**p.66**

- BB. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Leesway Drive Sanitary Sewer Project. (477-09) (Rayan/Webb)

This request will authorize temporary construction and permanent sanitary sewer easements at a cost not to exceed \$5,000 from recorded property owners for the Leesway Drive Sanitary Sewer project. Funds are budgeted.**p.67**

- CC. Authorization of an Assignment of Collateral Agreement by and between Providence Business Center, LLC, Fifth Third Bank, and LFUCG Regarding the Construction of Providence Parkway. (468-09) (C. King/Webb)

This request will authorize an Assignment of Collateral Agreement by and between Providence Business Center, LLC, Fifth Third Bank and LFUCG for a portion of the exaction credits to be assigned to Fifth Third Bank from LFUCG under a letter of credit between Providence Business Center, LLC, and Fifth Third Bank. Under an Expansion Area Exaction Agreement between LFUCG and Providence Business Center, LLC, Providence is to receive exaction credits estimated at \$1,421,940 for the construction of Providence Parkway. There is no budgetary impact or risk to LFUCG.**p.68**

- DD. Authorization of Partial Release of Easements of Sanitary Sewer Easements on Properties located at 3207 Richmond Road and 105 Sand Lake Drive. (486-09) (Askew)
 This request will authorize Partial Release of Easements of a portion of sanitary sewer easements on property located at 3270 Richmond Road, Section 1, Lot 1 and the future Section 2, Lot 2 of Sand Lake & Estates Properties and on property located at 105 Sand Lake Drive, Lot 1. The releases have been reviewed and approved by the Divisions of Engineering, Water Quality and Traffic Engineering, and the Department of Law. There is no budgetary impact for LFUCG.**p.69**
- EE. Authorization for the Issuance of Industrial Revenue Bonds (IRBs) to the Lexington Christian Academy. (484-09) (Wright/Kelly)
 This request will authorize the issuance of IRBs Series 2003 up to the amount of \$12,800,000 to the Lexington Christian Academy to refund outstanding revenue bonds previously issued for certain various capital project and / or related items due to changes in the market conditions. Funds will be used for new locker room installation, kitchen improvements, and outdoor athletic facilities and lighting for parking lot. The Industrial Review Bond Review Commission recommends approval. There is no cost or liability to LFUCG.**p.70**
- FF. Authorization of a Resolution for the Kentucky Economic Development Finance Authority (KEDFA) to Issue Industrial Building Revenue Bonds for a New Goodwill Donation Center. (485-09) (Wright/Kelly)
 This request will authorize a resolution for KEDFA to issue industrial building revenue bonds in the amount of \$1,751,000 for the construction and equipping of a new Goodwill Donation Center at 3010 Mapleleaf Drive. This center will create twelve (12) new jobs.**p.71**
- GG. Authorization of an Amendment to Chapter 25 of the Code of Ordinances Regarding the Ethics Commission. (492-09) (Rabold)
 This request will authorize an amendment to Chapter 25 of the Code of Ordinances regarding the Ethics Commission to replace the nominating organization of *African Americans in Lexington Emerge (AALE)* with the *John Rowe Chapter of the National Bar Association*. The AALE has dissolved.**p.72**
- HH. Authorization of an Amendment to Section 14-83(3) of the Code of Ordinances Regarding the Stone Wall Appeals Board. (493-09) (Rabold)
 This request will authorize an amendment to Section 14-83(3) of the Code of Ordinances to place the Stone Wall Appeals Board under the expertise of the Board of Architectural Review to hear appeals filed under the Stone Wall Appeals Board.**p.73**

II. Authorization to Approve a Change in Membership of the Industrial Revenue Bond Commission. (494-09) (Rabold)

This request will authorize the approval to change the membership of the Industrial Revenue Bond Commission of the position designated *from the Lexington Economic Development Commission* will changed to *a member from the community at-large*. The Lexington Economic Development Commission was repealed by Ordinance No. 227-89. This change will increase the membership without specific designation to four (4). **p.74**

***EPA CONSENT DECREE**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

July 7, 2009

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

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

A motion by CM Blues to place on the docket a resolution authorizing and directing the mayor, on behalf of the Urban County Government, to execute and submit an application to the Kentucky Infrastructure Authority (KIA), and to provide any additional information requested in connection with this application, in the amount of \$14,600,000.00 for low interest loans to facilitate the Lower Cane Run Pump Station and Expansion Area 1 Projects, seconded by CM Beard, passed without dissent.

A motion by CM James to add a budget amendment for the Lyric Theatre project in the amount of \$6 million dollars from the FY 2009 Bond Projects Fund to the July 7, 2009 Council Meeting docket for first reading. This budget amendment provides funds for the construction and related expenses for the Lyric Theatre project, seconded by CM Lane, passed without dissent.

A motion by CM Lane that a budget amendment to provide funds for open Purchase Orders in FY 2009 selected by the Division of Purchasing for rolling into the FY 2010 budget be added to the July 7, 2009 Council Meeting Docket for first reading. This budget amendment provides funds for purchase orders that were either specifically approved by Council, contain Claims accounts, or are for ongoing construction or professional services projects, seconded by CM Beard, passed without dissent.

A motion by CM Crosbie to approve the amended docket, seconded by CM Beard, passed without dissent.

- III. Approval of Summary-Yes

A motion by CM Blues to approve the summary of 6/30/09, seconded by CM Henson, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

- A. Authorization of an Agreement Offered by the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911, Regarding the Metropolitan Medical Response System (MMRS) Project. (441-09) (P. King/Bennett)
- B. Authorization of a Modification to Agreement Offered by the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911, Regarding the *All Hazard* Disaster Preparedness Disaster / Security Planning Project. (452-09) (P. King/Bennett)
- C. Authorization of a Subscriber Renewal / Conversion Form and Service Agreement with West Government Services (f/k/a ChoicePoint Government Services LLC) on Behalf of the Department of Public Safety, Division of Police. (453-09) (Bastin/Bennett)
- D. Authorization of Sixth Amendment to a Professional Services Agreement with Patricia K. Howard, PhD, on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (454-09) (Hendricks/Bennett)
- E. Authorization of a Surveillance Participation Agreement with the Lexington-Fayette County Health Department (LFCHD) on Behalf of the Department of Public Safety, Division of Fire and Emergency Services for a Data Surveillance Project. (455-09) (Hendricks/Bennett)
- F. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Works and Development, Division of Streets, Roads and Forestry. (442-09) (Allen/Webb)
- G. Authorization to Close Leader Avenue and Transfer the Right-of-Way to the University of Kentucky. (450-09) (Webb)
- H. Authorization of Purchase of Service Agreements (PSAs) with Partnering Agencies on Behalf of the Department of Social Services for FY2010. (445-09) (Helm)
- I. Authorization to Submit Application to the Kentucky Department of Juvenile Justice, on Behalf of the Department of Social Services, Division of Youth Services under the Juvenile Accountability Block Grant (JABG) Program – FY2010. (451-09) (P. King/Helm)

- J. Authorization of a General Warranty Deed with LFUCG Public Facilities Corporation Regarding Property at 1155 Red Mile Place, (456-09) (Askew)

A motion by CM Beard to approve new business items A-J, seconded by CM Lane, passed without dissent.

VI. Continuing Business / Presentations-Yes

- A. Inter Governmental Committee Update

This update was given by Chair CM James. Several CMs spoke on this issue.

- B. Introduction of Mr. Richard Corney, Assistant Ombudsman from the York District Local Government Ombudsman Office in the United Kingdom

This introduction was given by Joan Beck, Citizen's Advocate Ombudsman.

- C. Bluegrass PRIDE Litter Enforcement Award

The introduction of the presentation was done by Amy Sohner, Exec. Dir. Lauren Bennett, Program Dir. presented the James E Bickford Award to Michel Parker of LFUCG Code Enf. for issuing 366 litter violation citations within 1 month.

- D. Infill/Redevelopment Zoning Ordinance Text Amendments (Round 3)

This presentation was given by Div. of Planning- Mr. Chris King, Mr. Bill Sallee, Ms. Traci Wade, and Mr. Jimmy Emmons. Several CMs made comments and asked questions.

VII. Council Report

CM Stinnett- Stated that it is traditional to have the individual district street listings for repave/repair by the end of August to Comm. Webb.

CM Beard- A motion by CM Beard to approve the NDF list for 7/7/09, seconded by CM Lane passed without dissent.

CM Feigel- Sent congratulations to the Ashland NA for their float in the July 4th parade.

CM Blues- Stated that the Baptist church on Main St is in need of significant repairs; please call his office at 258-3217 or 425-2276, for information; and thanked all in city government for making July 4th events possible.

CM Lawless-Announced that tomorrow at 2 pm in Council Chambers, there will be a Courthouse Area Design Review Bd. Hearing; stated that several S. Limestone merchants wanted to be at work session today but could not; also stated that she is concerned about the expense, prep work, parking, traffic, mapping-all that.

CM Gorton-Congratulated the 20 new firefighters; thanked 2 long-time Planning Commission members for their service- Neal Day and Randall Vaughn.

CM James-Explained the Neighborhood Development Bond Fund list that was sent out by email.

VM Gray-Dittoed the comments about the July 4th events; stated that he had the minutes from the July 22 Economic Development Task Force meeting; stated to all CMs that the COW meeting to be held at the Arboretum on Aug. 11 would be best earlier than later.

CM Martin-Announced several meetings: tonight the Beaumont NA will meet at 6:30 pm at the clubhouse; this Sunday and every Sunday Farmers' Market from 10-2 on Southland Dr; also at 7 pm tonight the Southland Jamboree will be going on with the Blue Ties of Grass performing; Sunday the Hill-N-Dale NA will meet in the park for a meeting; on 7/13 at 7:30 Palomar Hills will meet at the clubhouse; and on 7/14 the Southland Assoc. Bd. will meet at the Bank of the Bluegrass.

VIII. Mayor's Report-Yes

A motion by CM Crosbie to approve the Mayor's Report, seconded by CM Lane was amended by CM Feigel to refer membership requirements of the LCC board to the Inter Governmental Committee, except residents of Fayette County, seconded by CM Gorton, the amendment failed by a 5-8 vote.

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

A motion by CM Gorton to approve the holding the confirmation hearings for the Board of Adjustment and the Planning Commission at 6 pm on Aug. 13, 2009 in the 5th floor conference room, seconded by CM Blues, passes without dissent.

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

X. Closed Session-Litigation-Property

A motion by CM Blues to go into closed session pursuant to KRS 61.810 (1)(c) to discuss pending litigation involving the Lexington-Fayette Urban County

Government; pursuant to KRS 61.810 (1)(B) to discuss the acquisition of real property, an open discussion would likely affect the value of the specific piece of property that may be required; and pursuant to KRA 61.810 (1)(M) to discuss proposed security plan for the 5th floor, seconded by CM Gorton, passed without dissent.

A motion by CM Beard to go back into open session, seconded by CM Ellinger, passed without dissent.

A motion by CM Blues to authorize the mayor to authorize and direct the Mayor, on behalf of the Urban County Government, to execute a 100 day Option to Purchase Agreement, renewable for an additional sixty (60) day period, with Hutson-Sirk II LLC, for property located at 1975 Russell Cave Pike, at a cost not to exceed \$5,000.00 for the initial one hundred (100) day period of the Option To Purchase, and an additional \$5,000.00 if the Option To Purchase is renewed, seconded by CM James, passed without dissent.

A motion by CM Lane to adjourn, seconded by CM Martin, passed without dissent.

Work session was adjourned at 4:45 pm.

BUDGET AMENDMENT REQUEST LIST

16

JOURNAL	35299	DIVISION	Traffic Engineering	Fund Name Fund Impact	General Fund 627.00 627.00CR 0.00
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To provide for the purchase of CorelDraw software for Neighborhood Traffic Management Program. Photos and design drawing will be modified and presented to neighborhoods showing proposed improvements prior to a formal petition vote.

JOURNAL	35608-09	DIVISION	Traffic Engineering	Fund Name Fund Impact	General Fund 1,395.00 1,395.00CR 0.00
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To recognize revenue received from utility and reimburse expense account for inductive vehicle loop detection.

JOURNAL	35660	DIVISION	Youth Services	Fund Name Fund Impact	General Fund 300.00 300.00CR 0.00
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To provide funds to pay overtime hours in the correct section for staff working with the summer youth employment program.

JOURNAL	35661	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 100,000.00 100,000.00CR 0.00
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To provide funds for safety equipment in a capital account to differentiate between funds allocated for small clothing replacement per the employees' contract and the purchase of Personal Protective Clothing.

JOURNAL	35744-45	DIVISION	Social Services Administration	Fund Name Fund Impact	General Fund 10,383.21 10,383.21CR 0.00
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To provide funds for Executive Director of the Domestic Violence Prevention Board establishing a revenue budget for monthly payments from United Way of the Bluegrass.

BUDGET AMENDMENT REQUEST LIST

17

JOURNAL	35827-28	DIVISION	Coroner	Fund Name	General Fund
				Fund Impact	22,998.00
					22,998.00CR
					0.00

To recognize a contribution from Kentucky Hospital Research and Education Foundation and to budget the funds into the equipment account.

JOURNAL	35934	DIVISION	Community Development	Fund Name	General Fund
				Fund Impact	5,000.00CR
					5,000.00CR

To establish personnel recovery for Emergency Management Assistance - FY 2009.

JOURNAL	KC00000070	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	43,000.00
					43,000.00CR
					0.00

To provide funds for one existing vacant position of Firefighter by reducing funds for overtime.

JOURNAL	35610	DIVISION	Special Programs	Fund Name	Donation Fund
				Fund Impact	94,532.16

To provide funds for 4th of July expenses by recognizing revenue received for this event in FY 2009 that is now in fund balance for the Donations Fund.

JOURNAL	35823-24	DIVISION	Special Programs	Fund Name	Donation Fund
				Fund Impact	2,165.00
					2,165.00CR
					0.00

To provide funds for banner program by recognizing revenue received for this purpose.

JOURNAL	35742-43	DIVISION	Social Services Administration	Fund Name	Donation Fund
				Fund Impact	400.00
					400.00CR
					0.00

To provide funds for Executive Director of the Domestic Violence Prevention Board establishing a revenue budget for monthly payments from United Way of the Bluegrass.

BUDGET AMENDMENT REQUEST LIST

18

JOURNAL	KC00000071	DIVISION	Risk Management	Fund Name	Urban Services District
				Fund Impact	55,490.00
					55,490.00CR
					0.00

To correct the Department ID for the Division of Risk Management personnel budget in the Urban Services Districts Fund.

JOURNAL	35298	DIVISION	Traffic Engineering	Fund Name	Misc.s Special Revenue
				Fund Impact	40,000.00
					40,000.00CR
					0.00

To provide for equipment and materials to repair and maintain traffic signal equipment on State Roads (signal cable, video detection cameras, electrical/electronic repair parts, etc.)

JOURNAL	34335	DIVISION	Community Development	Fund Name	US Dept Of Transp
				Fund Impact	3,955.00
					3,955.00CR
					0.00

To reallocate funds budgeted for fuel costs into overtime enforcement of DUI, speeding, and seat belt usage for the Traffic Safety Grant.

JOURNAL	35935-36	DIVISION	Community Development	Fund Name	US Dept Of HHS
				Fund Impact	448,036.00
					448,036.00CR
					0.00

To establish grant budget for New Chance - FY 2010.

JOURNAL	35937-38	DIVISION	Community Development	Fund Name	US Dept Of HHS
				Fund Impact	46,550.00
					46,550.00CR
					0.00

To establish grant budget for Mentoring - FY 2010.

JOURNAL	35939-40	DIVISION	Community Development	Fund Name	US Dept Of HHS
				Fund Impact	79,720.00
					79,720.00CR
					0.00

To establish grant budget for Local Governance - FY 2010.

BUDGET AMENDMENT REQUEST LIST**19**

JOURNAL	35932	DIVISION	Community Development	Fund Name	US Dept Homeland Sec
				Fund Impact	110,226.00
					110,226.00CR
					0.00

To establish budget for Emergency Management Assistance - FY 2009.

JOURNAL	KC00000072	DIVISION	Risk Management	Fund Name	Sanitary Sewer Fund
				Fund Impact	99,900.00
					99,900.00CR
					0.00

To correct the Department ID for the Division of Risk Management personnel budgeted in the Sanitary Sewer Fund.

JOURNAL	35918	DIVISION	Parks and Recreation	Fund Name	Extended School Prog
				Fund Impact	167,740.00
					104,780.00CR
					62,960.00

To establish revenue and expense budget for new program at Julius Marks Elementary, and to provide funds for Professional Services for all locations that was omitted during budget process.

JOURNAL	35940	DIVISION	Various	Fund Name	Various
				Fund Impact	3,086,063.32
					3,086,063.32

To provide funds for purchase orders that were omitted from the previous purchase order roll in error.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	232,144.36
Fund	1103	Donation Fund	94,532.16
Fund	1115	Urban Service District Fund	2,800,000.00
Fund	1141	Miscellaneous Special Revenue	.00
Fund	3160	US Department of Transportation	.00
Fund	3190	US Department of Health and Human Services	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	48,918.96
Fund	4202	Extended School Program	62,960.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

August 11, 2009 Work Session

20

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
459-09	KC0073	Family Care Clinic	To provide funds for one position of Health Clinic Nurse – RN Supervisor for the Family Care Center for three pay periods of FY 2010.
A			1102 9,550 9,550*
460-09	KC0074	Water Quality	To provide funds for one position of Staff Assistant Sr. one temporary position of Project Engineering Coordinator and a portion of one position of Municipal Engineer Sr. partially funded by reducing funds for one position of Treatment Plant Operator.
F			4002 61,400 4002 1,680CR 59,720*
464-09	TBD	Community Development	To provide funds for the Home Network Project at the Family Care Center – FY 2010.
B			3190 446,462 3190 446,462CR* 0*
464-09	TBD	Community Development	To provide additional funds for personnel recovery for Home Network Project at the Family Care Center – FY 2010.
B			1101 80CR 80CR*
465-09	BA 2363	Community Development	To establish grant budget for Law Enforcement Service Fee – FY 2010.
J			3400 40,583 3400 40,583CR* 0*
466-09	BA 2361	Community Development	To establish budget for Street Sales Drug Enforcement Project for FY – 2010.
K			3140 200,000

			3140	200,000CR*	
				0*	
NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST		
470-09	BA 2369	Community Development	To establish grant budget for the Gainesway Trail Project.		
Q			3160	558,000	
			3160	558,000	
				0*	
475-09	BA 2364	Community Development	In accordance with Supplemental Agreement No. 3, budget additional Federal funds and local match (Municipal Aid Program) for the Loudon Avenue Improvements Project.		
W			3160	450,000	
			3160	450,000CR	
				0*	
475-09	BA 2365	Community Development	To provide grant match for Supplemental Agreement No. 3, for the Loudon Avenue Improvements Project.		
W			1136	90,000	
			1136	90,000CR	
				0*	
487-09	BA 2392	Family Care Center	To accept donation from Marcella Nazario in honor of her son, Sebastian, who is a graduate of the Fayette County Public schools Early Start program located at the Family Care Center. This donation will be used to purchase children's books and supplies.		
E			1103	300	
			1103	300CR	
				0*	

EFFECT ON FUND BALANCES			
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FUND 1101	80*	INCREASE TO:	GENERAL SERVICE DISTRICT – GENERAL FUND
FUND 1102	9,550*	DECREASE TO:	FAMILY CARE CENTER
FUND 1103	0*	NO IMPACT TO:	DONATION FUND
FUND 1136	0*	NO IMPACT TO:	MUNICIPAL AID PROGRAM
FUND 3140	0*	NO IMPACT TO:	US DEPARTMENT OF JUSTICE
FUND 3160	0*	NO IMPACT TO:	US DEPARTMENT OF TRANSPORTATION
FUND 3190	0*	NO IMPACT TO:	US DEPARTMENT OF HEALTH & HUMAN SERVICES
FUND 3400	0*	NO IMPACT TO:	GRANTS – STATE
FUND 4002	59,720*	DECREASE TO:	SANITARY SEWER REVENUE AND OPERATING FUND

Budget Information For New Business Items

August 11, 2009 Work Session

22

Item	Number	Amount	Fund	Name / Description
A	459-09	(9,550)	1102	Family Care Center Fund Budget Journal
B	464-09	446,462 80	3190 1101	US Department of Health and Human Services General Service District – General Fund Budget Journal
C	481-09	NA		
D	482-09	2,000	1101	General Service District – General Fund
E	487-09	300	1103	Donations Fund Budget Journal
F	460-09	59,721	4002	Sanitary Sewer Revenue and Operating Fund Budget Journal
G	461-09	NA		
H	463-09	NA		
I	469-09	NA		
J	465-09	40,583	3400	Grants – State Budget Journal
K	466-09	200,000	3140	US Department of Justice Budget Journal
L	471-09	NA		
M	472-09	60,000 Maximum Reimbursement		
N	483-09	728.90	1101	General Service District – General Fund
O	473-09	NA		
P	478-09	NA		
Q	470-09	558,000	3160	US Department of Transportation Budget Journal
R	479-09	NA		
S	488-09	9,376.50	3120	US Department of Housing and Urban Devel.
T	491-09	NA		
U	462-09	24,976.85	3120	US Department of Housing and Urban Devel.
V	474-09	NA		
W	475-09	450,000	3160	US Department of Transportation Budget Journal

Budget Information For New Business Items

August 11, 2009 Work Session

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X	480-09	4,960,042	3160	US Department of Transportation
Y	489-09	48,318.45	3160	US Department of Transportation
Z	490-09	50,550	3160	US Department of Transportation
AA	476-09	50,000	3400	Grants – State
BB	477-09	5,000	3400	Grants – State
CC	468-09	NA		
DD	486-09	NA		
EE	484-09	NA		
FF	485-09	NA		
GG	492-09	NA		
HH	493-09	NA		
II	494-09	NA		



459-09

24

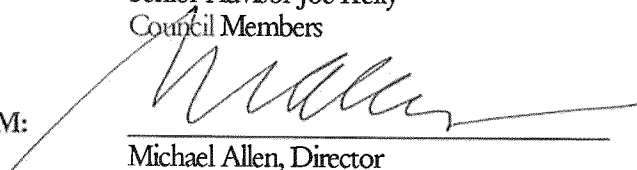
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: June 30, 2009

RE: Abolish Positions— Division of Family Services

The attached action amends Section 21-5 of the Code of Ordinances abolishing one (1) position of Health Clinic Nurse-RN Supervisor (Grade 116E) effective July 31, 2009; one (1) position of Health Clinic Director (Grade 118E), one (1) position of Administrative Specialist Principal (Grade 114E), one (1) position of Health Clinic Nurse-RN (Grade 114E), one (1) position Administrative Specialist (Grade 110N), four (4) positions Certified Medical Assistant (Grade 110N) and six (6) positions of Staff Assistant Sr. (Grade 108N). This action also amends Section 22-5 of the Code of Ordinances abolishing one (1) position Health Clinic Nurse P/T (Grade 114E) and one (1) position Staff Assistant P/T, effective June 30, 2009.

This Division requests this action due to the University of Kentucky taking over the operations of the clinic and the oversight of the employees.

Since funds were not budgeted for the Family Care Center for FY 2010, the fiscal impact will be \$9,550 (Nancy Garth's pay for July). All costs include benefits.

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

Attachment

cc: William O'Mara, Acting Commissioner, Department of Finance and Administration
Michael Allen, Director, Division of Human Resources
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log #10-0001



464-09

25

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: APRIL 29, 2009

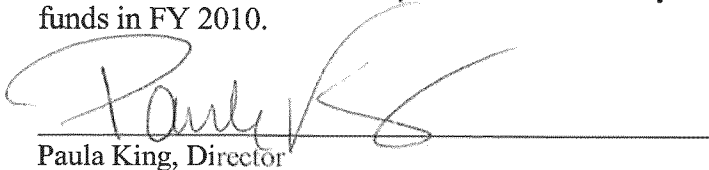
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE
LEXINGTON-FAYETTE COUNTY HEALTH DEPARTMENT TO CONTINUE
THE HOME NETWORK PROJECT AT THE FAMILY CARE CENTER—FY
2010**

In Fiscal Year 1998, the Lexington-Fayette Urban County Government's Family Care Center began a home visitation program for the purpose of addressing many of the limitations observed among existing prevention efforts aimed at low-income families, and to create a system of support more responsive to emerging social and familial realities. The Home Network provides home visitation services for high risk families from birth of the first child up to age two. This program is based upon evidence that home visitation programs are effective in reducing child abuse and neglect.

The Home Network program is being funded by the Kentucky Cabinet for Health and Family Services in a "pass-through" arrangement with the Lexington-Fayette County Health Department as the granting agency. The source of federal funds is the Kentucky Medical Assistance Program (Medicaid) and tobacco settlement dollars. The Kentucky Legislature has earmarked a portion of Kentucky's tobacco settlement dollars for funding of programs that will help the state reach the goal that all young children in Kentucky are healthy and safe, possess the foundation that will enable school and personal success, and live in strong families that are supported and strengthened by their communities.

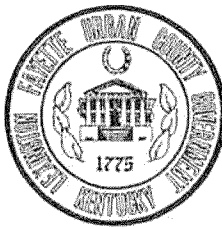
The Home Network program is a "fee for service" program, in that the LFUCG only receives funding for services that it delivers. The grant budget reflects the expenses of the program and an estimate of how much revenue will be generated by the existing staff. During 2010, it is anticipated that \$414,712 in "fee for service" revenue will be generated. Requested local funding in the amount of \$31,750 represents the gap between the anticipated revenue and the expenses of the program. The amount of \$31,750 has been requested as local match from the Fiscal Year 2010 general fund budget.

Council authorization to accept the award is hereby requested subject to the availability of sufficient funds in FY 2010.


Paula King, Director

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

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



481-09

26

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

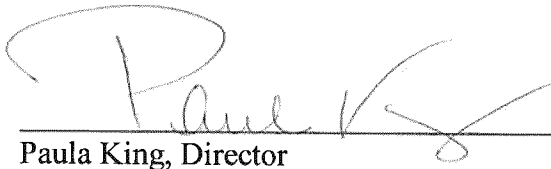
DATE: JULY 27, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT
APPLICATION TO THE KNIGHT FOUNDATION FOR
CONTINUATION OF THE "ANOTHER CHANCE" PROGRAM
AT THE DIVISION OF YOUTH SERVICES**

The Division of Youth Services has prepared an application for submission to the Knight Foundation requesting funding in the amount of \$4,000 to continue the "Another Chance" program for high school drop outs ages 16-18. This project will provide tutoring, study skills training and instruction in collaboration with Bluegrass Community Technical College with the objective of supporting and guiding these youth to successful completion of an GED and/or into employment.

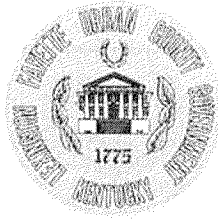
Funds will be used for GED testing, work attire, fees, printing, food, field trips, incentives, consultant fees, supplies, and transportation. No matching funds are required.

Council authorization to submit the application is hereby requested.



Paula King, Director

Xc: Marlene Helm, Commissioner of Social Services



482-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, SAM
Urban County Council

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

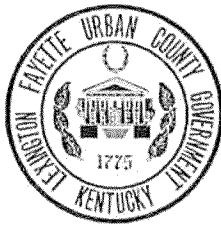
FROM: Priscilla Gales
Priscilla Gales, Interim Director
Division of Youth Services

DATE: July 28, 2009

RE: Blue Sheet – Service Agreement with Bluegrass Mental Health-Mental
Retardation Board

This memorandum requests approval for the Division of Youth Services to enter into an agreement with the Bluegrass Regional Mental Health-Mental Retardation Board, Inc., to provide Mental Health Assessments, Psychological Assessments and Competency Evaluations. These services will be provided to youth under court ordered jurisdiction or supervision of the Division of Youth Services. The agreement will be effective July 1, 2009 through June 30, 2010, at a cost not to exceed 2,000.00. Funds are fully budgeted.

Thank you for your assistance.



487-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor of Management
Urban County Council Members

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

FROM: Sarah Hendrix
Sarah Hendrix, Director
Division of Family Services

DATE: August 3, 2009

RE: Marcella Nazario Donation

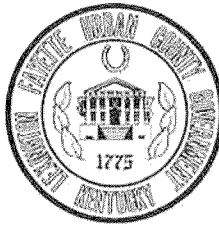
This is to request approval to accept a donation in the amount of \$300.00 from Marcella Nazario in honor of her son, Sebastian, who is a graduate of the Fayette County Public Schools' Early Start program, located at the Family Care Center. This donation will be used for children's books and supplies.

Thank you.

ACCEPTED:

Mayor Jim Newberry

Date




Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

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

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: July 10, 2009

RE: Abolish/Create Positions— Division of Water Quality

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Municipal Engineer (Grade 117E), one (1) position of Treatment Plant Operator (Grade 113N) and creating one (1) position of Municipal Engineer Sr. and one (1) position of Staff Assistant Sr. (Grade 108N); this action also amends Section 22-5 of the Code of Ordinances creating one position of Project Engineering Coordinator (Grade 119E) all in the Division of Water Quality effective upon passage of Council.

The Division requests this action in order to better meet the ongoing and changing needs of the Division due to the increasing program and project requirements of the Consent Decree with the United States Environmental Protection Agency. The part-time unclassified Municipal Engineer Sr. position will be changed to a full time unclassified Project Engineering Coordinator with a four year term to expire June 25, 2013.

The fiscal impact for FY2010 is \$59,721.00 (21 pay periods) and includes benefits. This will be funded by Sewer Fund Balance.



461-09

30

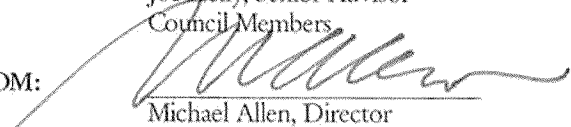
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

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

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: July 1, 2009

RE: Create Positions

The attached action amends Section 21-5 creating some of the positions that were funded and approved in the FY 10 budget process, to become effective June 22, 2009, the first day of the first pay period in Fiscal Year 2010.

These approved positions include the following:

- one (1) position of Administrative Officer (Grade 118E), one (1) position of Public Service Supervisor Sr. (Grade 114E), two (2) positions of Equipment Operator Sr. (Grade 109N), one (1) position of Enforcement Officer (Grade 110N), five (5) positions of Public Service Worker (Grade 106N), and one (1) position of Operations Manager (Grade 116E) all in the Division of Waste Management;
- and one (1) position of Security Officer (Grade 106N) and two (2) positions of Security Officer/PT (Grade 106N) in the Division of Facilities and Fleet Management.

The fiscal impact for FY2010 (26 pay periods) will be budget neutral. All funding for the new positions was included in the FY 2010 approved budget.

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

Attachment

cc: Commissioners
Division Directors
Darrylyn Combs, HR Senior Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Accounting

10-0003a



463-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

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

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: July 16, 2009

SUBJECT: Amend Resolution No. 500-2009

The attached action amends Resolution No. 500-2009 Section 1 correcting the salary of a Probationary Civil Service appointment, retroactive to July 7, 2009.

Section 1 currently reads:

That the following Probationary Civil Service appointment made by the Mayor, be and hereby are ratified:

Dawn Detman, Environmental Compliance Coordinator, Grade 119E, \$2,289.28 bi-weekly, in the Division of Environmental Policy, effective July 6, 2009

Gregory Sheffer, Public Service Worker, Grade 106N, \$13.287 hourly, in the Division of Water Quality, effective July 6, 2009.

Section 1 should be amended to read:

That the following Probationary Civil Service appointment made by the Mayor, be and hereby are ratified:

Dawn Detman, Environmental Compliance Coordinator, Grade 119E, \$2,389.28 bi-weekly, in the Division of Environmental Policy, effective July 6, 2009

Gregory Sheffer, Public Service Worker, Grade 106N, \$13.287 hourly, in the Division of Water Quality, effective July 6, 2009.

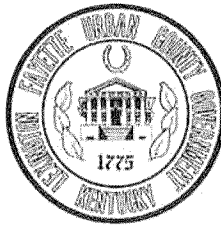
There is no fiscal impact associated with this action.

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

Attachment

cc: Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 10-0005




Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

M E M O R A N D U M

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

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: July 17, 2009

SUBJECT: Amend Resolution No. 517-2009

The attached action amends Resolution No. 517-2009 Section 2 correcting the salary of a Probationary Civil Service appointment, retroactive to July 7, 2009.

Section 2 currently reads:

That the following Probationary Community Corrections Officer appointment made by the Mayor, be and hereby are ratified
Angela Mullins, Probation Officer, Grade 110N, \$16.062 hourly, in the Division of Community Corrections, effective July 20, 2009.

Section 2 should be amended to read:

That the following Probationary Civil Service appointment made by the Mayor, be and hereby are ratified
Angela Mullins, Probation Officer, Grade 110N, \$15.062 hourly, in the Division of Community Corrections, effective July 20, 2009.

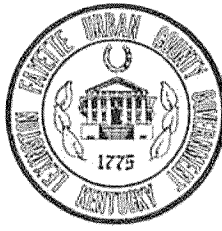
There is no fiscal impact associated with this action.

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

Attachment

cc: Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 10-0006



465-09

33

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 17, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY
CABINET FOR LAW ENFORCEMENT SERVICE FEE GRANT
PROGRAM - FY 2010**

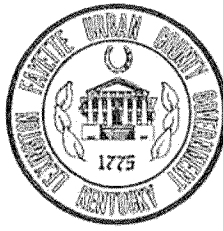
On March 26, 2009 (Resolution No. 223-2009), Council approved the submission of a grant application to the Kentucky Justice and Public Safety Cabinet requesting funding in the amount of \$75,000 from the Law Enforcement Service Fee Program.

The Kentucky Justice and Public Safety Cabinet has approved an award in the amount of \$40,583. These funds will be used to support the costs of approximately 1,050 police officer overtime hours for a Traffic Alcohol Patrol. No matching funds are required. The source of funds is the state's Law Enforcement Service Fee Fund.

Council authorization to accept the award is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety



466-09 34

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 17, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL
FUNDS FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET
FOR THE CONTINUATION OF THE STREET SALES DRUG
ENFORCEMENT PROJECT FOR FY 2010**

On March 26, 2009 (Resolution # 224-2009), Council approved the submission of an application prepared by the Division of Police to the Kentucky Justice and Public Safety Cabinet requesting federal funding for continuation of the Street Sales Drug Enforcement project for Fiscal Year 2010. The Kentucky Justice and Public Safety Cabinet has offered the LFUCG an award in the amount of \$150,000 to continue the activities of the Lexington-Fayette Urban County Government's Division of Police and the Fayette County Commonwealth Attorney's Office in their attempts to arrest and convict the street level drug dealers. A local match of 25% (\$50,000) is required. Match in the amount of \$12,916 is provided from FY 2010 General Fund account 1101-112006-0001-78201 to match the Commonwealth Attorney's portion and match in the amount of \$37,084 is included in the Division of Police's 2010 General Fund budget. Total project cost is \$200,000.

The Division of Police will use funds in the amount of \$73,008 for overtime expenses and \$75,328 for confidential funds in the Narcotics Unit. The Commonwealth Attorney's Office will use funds in the amount of \$51,664 to support the cost of one full-time Assistant Prosecutor to serve as a Fast Track Prosecutor for drug-related crimes. The source of these federal funds is the Edward Byrne Memorial Justice Assistance Grant Program in the U.S. Department of Justice.

Council authorization to accept the award is hereby requested.

Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety



471-09

35

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 17, 2009

**SUBJECT: AUTHORIZATION TO EXECUTE AGREEMENT WITH THE KENTUCKY
OFFICE OF HOMELAND SECURITY FOR ADMINISTRATIVE MODIFICATION
TO THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROJECT**

On October 4, 2007 (Ordinance # 226-2007), the Urban County Council approved acceptance of award from the Kentucky Office of Homeland Security of federal funds in the amount of \$220,713.50 for continuation of the Metropolitan Medical Response System (MMRS). This program provides funding and support to jurisdictions to develop plans, conduct training and exercises, and to acquire pharmaceuticals and equipment to achieve the capability necessary to respond to a mass casualty event. One of the MMRS program's priorities is to assist with the integration of first responder, medical treatment, public health and emergency management components of a community. These are federal funds that originate from the Federal Emergency Management Agency in the U.S. Department of Homeland Security. This project's expiration date was October 31, 2007.

Amendment to extend agreement through June 30, 2008, was approved by Council on December 6, 2007 (Resolution No. 637-2007).

Amendment to extend agreement through March 31, 2009, was approved by Council on June 12, 2008 (Resolution No. 320-2008).

Amendment to extend agreement through June 30, 2009, was approved by Council on May 8, 2009 (Resolution No. 321-2009).

The Kentucky Department of Homeland Security has now asked approval of an administrative modification to the agreement correcting a clerical error made by the Kentucky Department of Homeland Security and providing for an expiration date of July 31, 2009. No other changes are proposed.

Council authorization to execute agreement with the Kentucky Office of Homeland Security is hereby requested.



Paula King
Director

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



472-09

LEXINGTON DIVISION OF POLICE

36

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: July 20, 2009

RE: Internal Revenue Service Agreement

Please find attached blue sheet and documentation for an Agreement between the Internal Revenue Service and the Lexington-Fayette Urban County Government. This agreement allows for the reimbursement of certain expenses to the Division of Police for costs incurred as participants in joint operations/tasks forces with a Department of the Treasury law enforcement agency. I have attached three (3) original agreements requiring the Mayor's signature and Bill O'Mara in his assignment as Acting Commissioner, Department of Finance.

Upon approval and signing, please forward original agreements to the Chief's Office to acquire additional signatures.

If you have any question or require additional information, please contact my office.

A handwritten signature in cursive script, appearing to read "R. Bastin", written over a horizontal line.

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

**AGREEMENT BETWEEN TREASURY LAW ENFORCEMENT AGENCIES
and
LOCAL, COUNTY AND STATE LAW ENFORCEMENT AGENCIES
FOR THE REIMBURSEMENT OF EXPENSES**

This agreement is entered into by the Lexington Fayette Urban County Government and Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable costs incurred by the Lexington Fayette Urban County Government in providing resources to joint operations/task forces.

Payments may be made to the extent they are included in the Treasury law enforcement agency's Fiscal Year Plan, and the monies are available within the Treasury Forfeiture Fund to satisfy the request(s) for reimbursable overtime expenses.

I. LIFE OF THIS AGREEMENT

This agreement is effective on the date it is signed by both parties and terminates on the last day of the current Fiscal Year. Agreements are required on a Fiscal Year basis and must be renewed, if appropriate, by September 30th of each Fiscal Year for the following Fiscal Year.

II. AUTHORITY

This agreement is established pursuant to the provisions of 31 U.S.C. 9703, the Treasury Forfeiture Fund Act of 1992, which provides for the reimbursement of certain expenses of local, county, and state law enforcement agencies incurred as participants in joint operations/task forces with a Department of the Treasury law enforcement agency.

III. PURPOSE OF THIS AGREEMENT

This agreement establishes the procedures and responsibilities of both the Lexington Fayette Urban County Government and the Criminal Investigation, Internal Revenue Service, for the reimbursement of certain overtime and other expenses pursuant to 31 U.S.C. 9703.

IV. NAME OF TASK FORCE/JOINT OPERATION (If Applicable)

The Name of this Task Force is Financial Crimes Task Force

Projected Dates of Remaining Operation: 10/01/2009 to 09/30/2010.

V. CONDITIONS AND PROCEDURES**A. Assignment of Lexington Fayette Urban County Government Officers**

To the maximum extent possible, Lexington Fayette Urban County Government shall assign dedicated officer(s) to the Task Force/Joint Operations.

The Lexington Fayette Urban County Government shall provide the Criminal Investigation, Internal Revenue Service, with the names, titles, badge or ID numbers of the officer(s) assigned to the Task Force/joint Operation in an attachment to this agreement.

B. Requests for Reimbursement of Overtime Expenses

1. The Lexington Fayette Urban County Government may request reimbursement for payment of overtime expenses directly related to work performed by its officer(s) assigned as members of a Joint Task Force/Operation with the Criminal Investigation, Internal Revenue Service, for the purpose of conducting official Treasury investigations.
2. The Lexington Fayette Urban County Government shall provide the Criminal Investigation, Internal Revenue Service, within 10 days of the signing of this agreement, a mandatory ACH Vendor Payment Enrollment Form for Electronic Funds Transfer.
3. Invoices submitted for the payment of overtime to Lexington Fayette Urban County Government officer(s) shall be submitted on the agency's letterhead. The invoice shall be signed by an authorized representative of that agency.
4. The Lexington Fayette Urban County Government will submit all requests for reimbursable payments together with appropriate documentation to the Criminal Investigation, Internal Revenue Service, , ATTN: (Walter Woosley, Supervisory Special Agent, 1500 Leestown Road, #200, Lexington, KY 40511, (859) 244-2411.

The Lexington Fayette Urban County Government shall certify that the request is for overtime expenses incurred by the Lexington Fayette Urban County Government for Participation with a joint operation conducted with the Criminal Investigation, Internal Revenue Service. The Lexington Fayette Urban County Government shall also certify that requests for reimbursement of overtime expenses have not been made to other Federal law enforcement agencies who may also be participating with the task force/joint operation.

The Lexington Fayette Urban County Government acknowledges that they remain fully responsible for their obligations as the employer of the officer(s) assigned to the task force/joint operation and are responsible for the payment of overtime earnings, withholdings, insurance coverage and all other requirements by law, regulation, ordinance or contract regardless of the reimbursable overtime charges incurred.

5. All requests for reimbursement of costs incurred by the Lexington Fayette Urban County Government must be approved and certified by the Criminal Investigation, Internal Revenue Service. The Treasury law enforcement agency shall countersign the invoices for payment.
6. All requests for reimbursement of costs are to be received by Criminal Investigation, Internal revenue Service no later than 15 days after the previous month end. These requests for reimbursement are to be for a full month time period, from the first day to the last day of the month. *There should not be invoices covering only part of the month, as in 1/10/04 – 1/25/04.*
7. The Lexington Fayette Urban County Government is limited to a maximum reimbursement for all overtime expenses in connection with this operation of \$30,000 per year under this agreement. By statute, no single officer may earn more than \$15,000.00 per fiscal year in overtime regardless of the number of agreements he/she is authorized on. Travel and related expenses should not exceed a maximum of (\$ 30,000.00) for this task force/joint operation for the Fiscal Year period.
8. The total dollar value of this agreement may be adjusted at anytime by Criminal Investigation, Internal Revenue Service based upon the following:
 - A) The Criminal Investigation, Internal Revenue Service may modify the total dollar obligation, resulting in an increase or decrease, if they determine that the original obligated amount is not commensurate with the rate of reimbursable requests, based on their analysis of submitted reimbursement requests.
 - B) The adjustments to the total dollar value of this agreement may result in a partial and/or total reduction of reimbursement funds requested. Any modification made to an authorized agreement will be documented in writing and immediately provided to the impacted state and local agency.

C. PROGRAM AUDIT

This agreement and its procedures are subject to audit by the Criminal Investigation, Internal Revenue Service, Department of the Treasury, Office of Inspector General, the General Accounting Office, and other government designated auditors. The Lexington Fayette Urban County Government agrees to permit such audits and agrees to maintain all records relating to these transactions for a period of not less than three years; and in the event of an on-going audit, until the audit is completed.

These audits may include reviews of any and all records, documents, reports, accounts, invoices, receipts or expenditures relating to this agreement; as well as the interview of any and all personnel involved in these transactions.

472-09

D. REVISIONS

The terms of this agreement may be amended upon the written approval of both the Lexington Fayette Urban County Government and the Criminal Investigation, Internal Revenue Service. The revision becomes effective upon the date of approval.

E. NO PRIVATE RIGHT CREATED

This is an internal government agreement between a Treasury Law Enforcement Agency and the Lexington Fayette Urban County Government, a Local/County/State Law Enforcement Agency, and is not intended to confer any right or benefit to any private person or party.

Signature_____
Mayor

 Printed Name Title
 Lexington Fayette Urban County
 Government

Date:

Signature_____
SAC

 Printed Name Title
 Criminal Investigation
 Nashville Field Office
 Internal Revenue Service

Date:

Signature_____
Commissioner

 Printed Name Title
 Chief Financial Officer
 Lexington Fayette Urban County
 Government

Date:

Signature

 Printed Name Title
 Criminal Investigation
 Internal Revenue Service
 Washington, DC

Date:



LEXINGTON DIVISION OF POLICE

483-09

41

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: July 28, 2009

RE: Facility Usage Agreement – Consolidated Baptist Church

Please find attached blue sheet and facility usage agreement between the Consolidated Baptist Church and the Lexington-Fayette Urban County Government. The Lexington Division of Police has been offered available space in the new section of the Consolidated Baptist Church, Andrew Center, 1625 Russell Cave Road, for use by the P.A.L. Officers.

Use of the facility will be evaluated on a yearly basis. The P.A.L. Officers will have access to the new gymnasium for recreational sports and classrooms for workshops. This arrangement will enable the P.A.L. program to expand their efforts in the Winburn, Green Acres and Hollow Creek Road areas.

All operational expenditures, lights, waters and maintenance, will be paid for by the church. Also, included in this agreement will be access to the computer lab, to include usage/tutoring programs and storage space for refreshments for participants.

The Division of Police will be responsible for:

- Assisting with programs that will be implemented at the facility.
- Phone line installation for P.A.L. Office. There will be a monthly cost to maintain the phone line.
- Installation of internet service to network computers in computer lab. No cost incurred utilization of in-house personnel to install.
- Joint venture in collaborating a mentoring program for teenagers and adults.
- Division of Police will seek grant funding opportunities to offset programs and staff for programs offered.

This service agreement is fully budgeted in FY10, and will be effective for one year upon date of signing. The attached agreement requires the Mayor's signature. Upon Council approval and signing, please forward a copy of the agreement to the Chief's Office.

If you have any question or require additional information, please contact my office.

FACILITY USAGE AGREEMENT

THIS FACILITY USAGE AGREEMENT, made and entered into this ____ day of _____, 2009, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the Commonwealth of Kentucky, with its principal office at 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "LFUCG") and **CONSOLIDATED BAPTIST CHURCH**, 1625 Russell Cave Road, Lexington, Kentucky 40505 (hereinafter "Church").

W I T N E S S E T H:

1. Church agrees to allow the Division of Police (P.A.L.) to utilize space in the Andrew Center located at 1625 Russell Cave Road to expand the P.A.L. program efforts.
2. The term of this Agreement is for one (1) year from the date of signature, and shall automatically renew for subsequent one (1) year periods unless either party gives written notice of termination thirty (30) days in advance.
3. Church agrees that P.A.L. shall pay no rent but shall have use of portions of the said facility in exchange for providing public services at said facility for the benefit of the residents of Fayette County. Programming and services of same shall be evaluated annually.
4. Consolidated Baptist Church shall:
 - a. Provide use of one office to accommodate P.A.L. officers;
 - b. Provide use of the gym for recreational sports and classroom for workshops;

- c. Provide all operational expenditures, i.e., lights, water and maintenance;
 - d. Provide use of the furniture at the Andrew Center if the City cannot allocate furniture;
 - e. Provide storage space for refreshments for participants; and
 - f. Provide a computer lab accessible to P.A.L for computing/tutoring programs.
5. LFUCG shall:
- a. Provide in-kind services from P.A.L. officers to assist with programs which will be implemented at the facility;
 - b. Install or pay for the installation of a phone line for the P.A.L. office and pay the monthly cost for phone line (\$41.60) for a total annual cost of \$492.00. (Installation cost to run a line to a certain point \$64.85; installation of line and jack \$164.85);
 - c. Install internet service to network computers in computer lab, which will be accomplished in-house by CIS personnel at no additional cost;
 - d. Participate in a joint venture to establish a mentoring program for teenagers and adults; and
 - e. Apply for grants and seek other funding opportunities to offset program and staff costs for programs offered.

6. Both parties shall have the right to terminate this Facility Usage Agreement at any time upon thirty (30) days notice in writing to the other party.

7. LFUCG agrees to leave the premises at the expiration of this Facility Usage Agreement in as good a condition as when received except for ordinary wear and tear and damage by fire or other causes beyond the control of LFUCG. Church shall be responsible for major repairs required in and about the premises which are not caused by the negligence or intentional acts of LFUCG or their guests or invitees during the term of this Facility Usage Agreement. Repairs caused by the negligence or intentional acts of LFUCG or their guests or invitees, normal wear and tear excepted, shall be paid for and/or repaired by LFUCG. Intentional damage to the premises shall entitle Church to terminate the Facility Usage Agreement to recover the premises.

8. LFUCG agrees not to make any alterations in the premises without obtaining in writing approval from Church.

9. LFUCG agrees to indemnify and save harmless Church from any and all claims whatsoever that may be made against Church as a result of any injury or damage to any person or property as a result of LFUCG's employees, agents, assigns or any one under its' direction or control for their negligent, willful or intentional conduct. This shall not be deemed a waiver of sovereign immunity or any other defense available to LFUCG.

10. Church agrees to indemnify and save harmless LFUCG from any and all claims whatsoever that may be made against LFUCG as a result of any injury or damage

to any person or property as a result of Church's employees, agents, assigns or any one under its' direction or control for their negligence, willful or intentional conduct.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be duly executed on the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

BY: _____
Jim Newberry, MAYOR

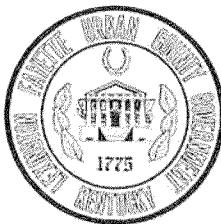
ATTEST:

CLERK, URBAN COUNTY COUNCIL

CONSOLIDATED BAPTIST CHURCH

BY: *Lafayette N. Barb*
Trustees *Andrew Center* Director
ITS: _____

ATTEST: _____



473-09

46

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Urban County Council

FROM: Patricia L. Dugger, Director *PLD*

RE: Department of Military Affairs Radio Communications System MOU

DATE: July 8, 2009

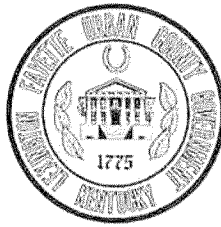
I am requesting the Urban County Council to authorize the Mayor to sign the Memorandum of Understanding (MOU) for the purpose of utilizing the Department of Military Affairs Radio Communications System. This system will be used for day-to-day operational communications. Services will be provided by Kentucky Emergency Management Duty Officers and will include information sharing and situational awareness with field offices and the State Emergency Operations Center.

There are no costs associated with this MOU that will impact our budget.

If you have any questions or need any additional information, please contact me at 258-3784.

Attachment

XC: Commissioner Tim Bennett, Public Safety
MOU File
KyEM File



478-09 47

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Urban County Council

FROM: Patricia L. Dugger, Director *PLD*

RE: Accept donation of used Outdoor Warning Sirens from Madison County

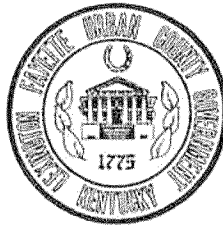
DATE: July 21, 2009

I am requesting the Urban County Council to authorize the Mayor to accept a donation from Madison County Emergency Management Agency of 11 complete used Federal Signal outdoor warning sirens. The estimated value of the sirens total \$15,000. The eleven (11) sirens will be used to repair, enhance and/or replace our older sirens.

If you have any questions or need any additional information, please contact me at 258-3784.

Attachment

XC: Commissioner Tim Bennett, Public Safety
Blue sheet file



470-09 48

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

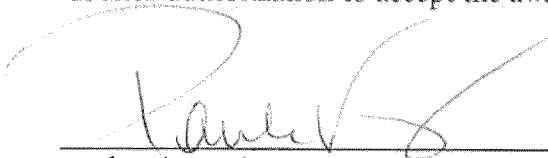
DATE: JULY 21, 2009

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM
THE KENTUCKY TRANSPORTATION CABINET FOR THE
GAINESWAY TRAIL PROJECT— FY 2007**

The Urban County Council approved the submission of a grant application to the Kentucky Transportation Cabinet on February 22, 2007 (Resolution No. 68-2007), requesting federal funds for the construction of the Gainesway Trail for pedestrians and bicyclists, a two-mile system of trails connecting four schools (Tates Creek High, Tates Creek Middle, Tates Creek Elementary, and Millcreek Elementary) with Gainesway Park and community center.

The source of federal funds (\$446,400) is the Congestion Mitigation and Air Quality Improvement Program (CMAQ), from the Surface Transportation Program, authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in the U.S. Department of Transportation. A 20% local match of \$111,600 is required. This match will be documented from the value of land already owned by the LFUCG. Total project cost is \$558,000.

Council authorization to accept the award is hereby requested.



Paula King, Director

Xc: Kimra Cole, Commissioner, Department of General Services



479-09

49

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

To: Mayor Jim Newberry
Urban County Council Members

From: Jerry Hancock, Director of Parks and Recreation *J. Hancock*

Subj: Power of Attorney for FSA (Farm Service Agency) affairs

Date: July 22, 2009

The Urban County Government does several pieces of business with the US Department of Agriculture through the Farm Service Agency. There are various farm crop subsidy and support programs involving corn, soybeans and other commodities that require certifications of participation every year. The programs are long standing and involve parcels that the LFUCG has acquired or were gifted on which these programs have been in place prior to our acquisition.

In order to continue we are required to certify land acreage or our agreement to meet certain conditions in order to receive price support or other payments. Often we are required to make decisions such as to stay in a particular program or change to another, with only a few weeks notice. Often this is difficult given the Council meeting schedule.

In addition there is at least one other major initiative from FSA, the Natural Resources Conservation Service which has a payment waiting for the LFUCG through the Wildlife Habitat Improvement Program, which will pay for warm season grasses at Masterson Station and Gleneagles and other measures at Raven Run. This requires a power of Attorney to be on file.

An existing power of attorney, approved by Council as R-105-2003 authorized the Chief Administrative Officer as Attorney-in-Fact to act for the Urban County Government in connection with the U.S. Department of Agriculture's Farm Service Agency and Community Credit Corporation programs with regard to all Urban County Government owned real property subject to the Programs. Since that position is no longer funded, we are requesting that the Commissioner of General Services, which oversees Parks and Recreation, be appointed as the Attorney-in-Fact for these purposes.

If you have any questions on this please do not hesitate to call me directly.

RESOLUTION NO. 105-2003

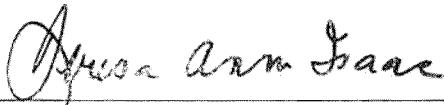
A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A POWER OF ATTORNEY APPOINTING MILTON DOHONEY, CHIEF ADMINISTRATIVE OFFICER, AS ATTORNEY-IN-FACT TO ACT FOR THE URBAN COUNTY GOVERNMENT IN CONNECTION WITH THE U.S. DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY AND COMMUNITY CREDIT CORPORATIONS PROGRAMS WITH REGARD TO ALL URBAN COUNTY GOVERNMENT OWNED REAL PROPERTY SUBJECT TO THE PROGRAMS.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, hereby is authorized and directed to execute the Power of Attorney, which is attached hereto and incorporated herein by reference, appointing Milton Dohoney, the Chief Administrative Officer, as Attorney-in-Fact to act for the Urban County Government in connection with the U.S. Department of Agriculture's Farm Service Agency and Community Credit Corporation Programs with regard to all Urban County Government owned real property subject to the Programs.

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

PASSED URBAN COUNTY COUNCIL: March 6, 2003


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 12, 2003-1t



488-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: AUGUST 4, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
CHANGE ORDER NO. 2 TO THE CONTRACT WITH G & G
PAVING AND CONSTRUCTION, INC. FOR THE VALLEY PARK
PARKING RENOVATION PROJECT

On April 9, 2009 (Resolution No. 252-2009), Council approved the award of a contract (Bid No. 21-2009) to G. & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project in the amount of \$37,100. Change Order No. 1 in the amount of \$3,600 was approved by Council on July 2, 2009 (Resolution No. 482-2009). The Division of Parks and Recreation has negotiated Change Order No. 2 in the amount of \$9,376.50 to widen the park entrance to two lanes, to replace an existing broken concrete headwall, and to add wheel stops and additional bollards. New total is \$50,076.50.

Funds for this project are budgeted as follows:

FUND	DID	SECT	ACCOUNT	ACTIVITY	PROJECT	BUD REF	AMOUNT
3120	707601	7211	90311	C03F	CDBG 2006	2006	\$9,376.50

Council authorization to execute Change Order No. 2 is hereby requested.



Paula King
Director

Xc: Kimra Cole, Commissioner of General Services

**LEXINGTON -FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER
Page 1 of 2**

Date: 7/8/09 **488-09**

52

Project:Valley Parking
Renovation

Location:2077 Cambridge Dr.

To (Contractor)

Contract No 60-2009

Change Order No. 2

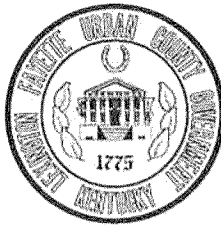
**You are hereby requested to comply with the following changes from
the contract plans and specifications:**

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Detention area excavation-rock was encountered in the bottom of the original detention area. In order to keep from excavating bedrock & keep job costs down another location for	wash	wash
	additional detenion was chosen so that the overall detention volume remains the same. This however did not increase or decrease the excavation quantities.		
2	Additional seeding and cover for new detention area. The additional area mentioned in item 1 did result in an increase in excavated/exposed soil, 250 sy		\$312.50
3	The entrance to the upper parking lot off of the cambridge drive is not wide enough to accomdate two-way vehicular traffic. This was not in the original scope of services in this contract.		\$6,064.00
	Additional paving to widen the entrance and drive and to correct the abrupt "dip" as you enter from cambridge		
4	Replace an existing broken concrete headwall in the renovated parking area.		\$800.00
5	18 wheel stops @ \$100.00 each		\$1,800.00
6	4 more bollards @ \$100.00 each		\$400.00
	Change in contract price due to this Change Order:		\$9,376.50
	Total decrease	\$0.00	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$9,376.50
	Net (increase) contract price		\$9,376.50

The sum of **9,376.50** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **50,076.50**. The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Michelle Kobrien (Superintendent) Date 7/27/09
Accepted by Martin E. Matlock (Contractor) Date 7/24/09
Approved by St. James (Director) Date 7/20/09
Approved by Kurt Lo (Commissioner) Date 8/4/09
Approved by _____ (Mayor or CAO) Date _____

CONTRACT HISTORY FORMContractor: G & G Paving & Construction, Inc.Project Name: Valley Park Parking RenovationContract Number and Date: 60-2009 April 2009Responsible LFUCG Division: Parks & Recreation**CHANGE ORDER DETAILS****Summary of Previous Change
Orders To Date****Dollar Amount****Percent Change to
Original Contract**A. Original Contract Amount: \$ 37,100.00B. Cumulative Amount of
Previous Change Orders: \$ 3,600.0010% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 40,700.00**Current Change Order**D. Amount of This Change Order: \$ 9,376.5025% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 50,076.50135% %
(Line E / Line A)**SIGNATURE LINES**Project Manager: Date: 7-27-09Reviewed by: Date: 7/21/09Division Director: Date: 7/29/09



491-09

54

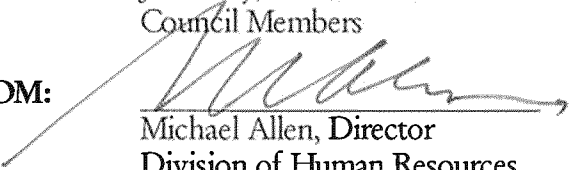
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

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

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: August 4, 2009

RE: Create Position in the Division of Parks and Recreation

The attached action amends Section 21-5 creating one (1) position of Deputy Director of Enterprise in the Division of Parks and Recreation effective upon passage of Council.

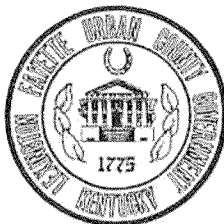
The fiscal impact for FY2010 (26 pay periods) will be budget neutral. All funding for this new position was included in the FY 2010 approved budget.

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

Attachment

cc: Kimra Cole, Commissioner of General Services
Jerry Hancock, Director, Division of Parks and Recreation
Darrylyn Combs, HR Senior Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Accounting

Log # 10-0016



462-09 55

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATIONJim Newberry
MayorWilliam O'Mara
Acting Commissioner

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

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

DATE: JULY 13, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 2 WITH MAC CONSTRUCTION & EXCAVATING, INC. FOR AN
INCREASE OF \$24,976.85 FOR MEADOWS/NORTHLAND/ARLINGTON
PUBLIC IMPROVEMENTS DESIGN PHASE 3B**

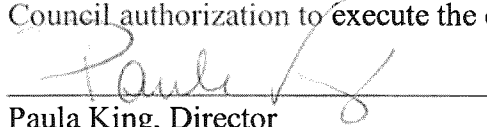
The Division of Engineering has recommended the execution of a change order to increase the contract by \$24,976.85 with MAC Construction & Excavating, Inc. for the Meadows/Northland/Arlington Public Improvements Project, Phase 3B. The new contract total is \$1,234,872.29.

The change order will compensate the contractor for the excessive overhead costs incurred during the bid opening date, March 4, 2008, and the preconstruction meeting date, February 2, 2009. The reason for the relatively long interim period was that utility relocation and property acquisition took longer to complete than anticipated. The Division of Community Development concurs with the Division of Engineering's request.

Sufficient funds are budgeted in the following accounts:

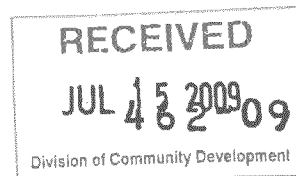
FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY	AMOUNT
3120	303202	3211	91713	CDBG_2006	2006	C03	\$17,185.21
3120	303202	3211	91713	CDBG_2009	2009	C03	\$ 7,791.64

Council authorization to execute the change order is requested.


Paula King, Director

Cc: Division of Engineering
James M. Webb, Commissioner of Public Works and Development

CONTRACT HISTORY FORM



56

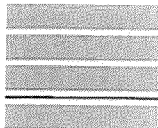
Contractor: MAC Construction & Excavating, Inc.
Project Name: Meadows-Northland-Arlington Neighborhood Improvement Project
Phase 3B: Storm Water and Roadway Improvements
Contract Number and Date: Contract #935 (April 10, 2008)
Responsible LFUCG Division: Engineering

CHANGE ORDER DETAILS

A. Original Contract Amount: \$1,176,755.00
Next Lowest Bid Amount:
\$1,298,952.00
B. Amount of Selected
Alternate or Phase: \$1,176,755.00
C. Cumulative Amount of
All Previous Alternates or
Phases: \$ N/A
D. Amended Contract Amount: \$1,176,755.00
E. Cumulative Amount of
All Previous Change Orders: \$33,140.44 2.82 %
(Line E / Line D)
F. Amount of This Change Order: \$24,976.85 2.12 %
(Line F / Line D)
G. Total Contract Amount: \$1,234,872.29

SIGNATURE LINES

Project Manager: William P. Bowie, Jr. Date: 13 JULY 2009
Reviewed by: Robert A. Bays Date: 7/14/09
Division Director: M. A. Raig Date: 7/14/09

**MAC**

Construction & Excavating, Inc.

462-09

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MEADOWS - NORTHLAND AND ARLINGTON IMPROVEMENTS PHASE 3**EICHLEAY FORMULA**

Bid Date	3/4/2008
Proposed NTP	4/17/2008
Proposed completion date	11/15/2008
New NTP	2/2/2009
New Completion date	9/13/2009

Revenue Earned 2008

Lexington \$1,176,035.00

All Jobs \$60,000,000.00

Percentage of Revenue 0.019600583

Total Overhead \$4,460,019.00

Job Overhead \$87,418.97

Working Days 210

Overhead Cost Per Day \$416.28

Delay Days 60

Additional Overhead \$24,976.85

Occurred due to Delays

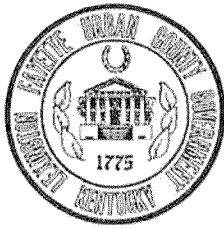
1. Manpower & Equipment commitment
2. Inability to commit to other projects.
3. Dedication of office personal setting up project and contacting suppliers for PO & sub-contractors contracts.

Glenn Jones
Project Manager

July 2 2009

1908 Unruh Court
P.O. Box 6787
New Albany, IN 47151-6787
Phone 812-941-7895
Fax 812-941-0699

"An Equal Opportunity Employer M/F/D/V"



474-09

58

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 20, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH THE KENTUCKY
TRANSPORTATION CABINET FOR THE FIBER OPTIC CABLE
INSTALLATION PROGRAM**

On February 22, 2007 (Ordinance No. 40-2007), Council authorized acceptance of federal funds from the Kentucky Transportation Cabinet from the Congestion Mitigation/Air Quality Program to continue the Fiber Optic Cable Installation Project for Fiscal Year 2007. The purpose of this project is the conversion of communication and data lines in the Lexington traffic signal system.

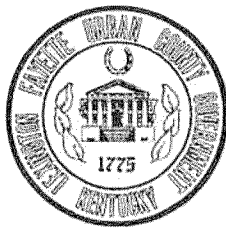
Kentucky Transportation Cabinet has requested execution of the attached Amendment to Agreement to provide for termination of the project on June 30, 2010.

Council authorization to execute the Amendment to Agreement is hereby requested.



Paula King
Director

XC: James M. Webb, Commissioner of Public Works



475-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 17, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO AUTHORIZE
EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 3 WITH
THE KENTUCKY TRANSPORTATION CABINET PROVIDING
ADDITIONAL FEDERAL FUNDS FOR THE LOUDON AVENUE
IMPROVEMENTS PROJECT**

On July 8, 1999 (Ordinance # 204-99), the Urban County Council accepted an award from the Kentucky Transportation Cabinet to support the design phase of the Loudon Avenue Improvements project. On January 17, 2002 (Ordinance # 5-2002), Council approved the acceptance of additional funds for the design phase. Total project funds for design are \$351,400 (\$281,120 in federal funds and \$70,280 in local funds).

On October 23, 2003 (Ordinance # 257-2003), Council accepted additional federal funding in the amount of \$200,000 for right-of-way acquisition, requiring \$50,000 (20%) in local match for a total of \$250,000 for this phase.

On September 22, 2005 (Ordinance # 268-2005), Council accepted federal funding in the amount of \$270,400 for the utility phase of the project, requiring \$67,600 (20%) in local match for a total of \$338,000 for this phase.

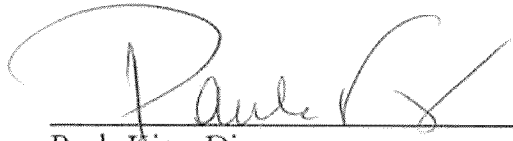
On September 13, 2007 (Ordinance # 203-2007), Council authorized execution of Supplemental Agreement No. 1, accepting federal funds in the amount of \$3,655,000 for the construction phase of the project, requiring \$913,750 (20%) in local match for a total of \$4,568,750 for this phase.

On July 3, 2008 (Ordinance # 163-2008), Council authorized execution of Supplemental Agreement No. 2, accepting additional federal funds in the amount of \$7,920 for the design phase and reallocating existing federal funds in the amount of \$95,400 from the utilities phase to the right-of-way phase. Supplemental Agreement No. 2 required additional local match (20%) of \$1,980.

The Kentucky Transportation Cabinet has now offered the LFUCG Supplemental Agreement No. 3, providing \$360,000 in federal funds for the purpose of supporting final change order on project construction for unforeseen increases to the prices of asphalt and diesel fuel. Supplemental Agreement No. 3 requires a 20% match in the amount of \$90,000. Match will come from fund 1136 (Municipal Aid Program).

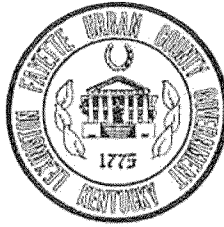
The project widens Loudon Avenue to three lanes from Oakhill Drive to Winchester Road. Total federal funding now allocated to the project is \$4,774,440, with a total required local match of \$1,193,610. New project total is \$5,968,050.

Council authorization to accept additional funding for the construction phase and approving the execution of Supplemental Agreement No. 3 is hereby requested.



Paula King, Director

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



480-09

61

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: JULY 28, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
CHANGE ORDER NO 2 TO THE CONSTRUCTION CONTRACT
WITH CENTRAL ROCK MINERAL COMPANY, LLC (ATS
CONSTRUCTION) FOR THE LOUDON AVENUE
IMPROVEMENTS PROJECT**

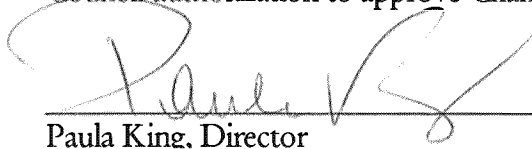
On October 18, 2007 (Resolution # 533-2007), the Urban County Council accepted the bid (Bid No. 139-2007) of Central Rock Co., LLC (ATS Construction) in the amount of \$4,589,461.13 for the Loudon Avenue Improvement Project. On December 4, 2008 (Resolution No. 723-2008), Council approved Change Order No. 1 in the amount of \$14,556.00 for changes in materials and increase in the number of two-way sanitary clean-outs. The proposed Change Order No. 2, in the amount of \$356,025.23, addresses the provision in the contract which provides for pay adjustments when the contractor's costs of asphalt and diesel fuel escalate more than five percent from their costs at the time of bidding.

The new total is \$4,960,042.36. Funds for the change order are in process of being budgeted in:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	ACTIVITY	BUD REF
3160	303202	3211	91715	LOUDONAVE 2000	MS GRANT	2000

The project widens Loudon Avenue to three lanes from Oakhill Drive to Winchester Road.

Council authorization to approve Change Order No. 2 is hereby requested.


Paula King, Director

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

CONTRACT HISTORY FORM

480-09 62

Contractor: Central Rock Mineral Co., LLC (ATS Construction)Project Name: Loudon Avenue Improvement ProjectContract Number and Date: 916 October 18, 2007Responsible LFUCG Division: Engineering**CHANGE ORDER DETAILS**A. Original Contract Amount: \$ 4,589,461.13Next Lowest Bid Amount:
\$ 5,238,384.01B. Amount of Selected
Alternate or Phase: \$ 4,589,461.13C. Cumulative Amount of
All Previous Alternates or
Phases: \$ -D. Amended Contract Amount: \$ 4,589,461.13E. Cumulative Amount of
All Previous Change Orders: \$ 14,556.00 0.32 %
(Line E / Line D)F. Amount of This Change Order: \$ 356,025.23 7.76 %
(Line F / Line D)G. Total Contract Amount: \$ 4,960,042.36**SIGNATURE LINES**Project Manager: Robert A. BayneDate: 3/04/09Reviewed by: Robert A. BayneDate: 3/04/09Division Director: MT RaineyDate: 3/4/09





LEXINGTON-FAYETTE	Date: March 4, 2009 480-09
URBAN COUNTY GOVERNMENT	Project: Loudon Avenue Improvement Project
CONTRACT CHANGE ORDER	Location: Loudon Avenue
Page 1 of 2	
To (Contractor) ATS Construction 3009 Atkinson Avenue, Suite 400 Lexington, Kentucky 40509	Contract No. 916 Change Order No. 2

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, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Payment for Asphalt and Fuel Price Adjustments		\$356,025.23
	Change in contract price due to this Change Order:		
	Total decrease	\$0	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$356,025.23
	Net (increase) contract price		\$356,025.23

The sum of **\$356,025.23** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **\$4,960,042.36**.

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

Recommended by 	(Proj. Engr.) Date 3/04/09
Accepted by 	(Contractor) Date 3-4-09
Approved by 	(Urban Co. Engr.) Date 3/4/09
Approved by 	(Commissioner) Date
Approved by _____	(Mayor or CAO) Date



489-09

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: AUGUST 3, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH KENTUCKY UTILITIES
COMPANY FOR THE RELOCATION OF UTILITIES FOR THE
LIBERTY TODDS ROAD RECONSTRUCTION

On July 11, 2006 (Resolution No. 478-2006), Council approved the execution of Supplemental Agreement No. One with Kentucky Transportation Cabinet for reimbursement of expenses for acquisition of right-of-way and relocation of utilities for the widening of Todds/Liberty Road from 0.2 mile south of Andover Forest Drive/Forest Hill Drive to 0.1 mile south of Graftons Mill Lane. The source of federal funds is the High Priority Project funding from the U.S. Department of Transportation.

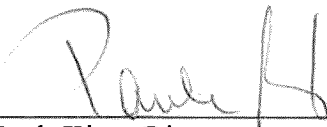
On April 19, 2007 (Resolution No. 190-2007), Council approved agreement with Kentucky Utilities Company for the distribution portion of its utilities for a total of \$171,744.67. LFUCG's portion of this relocation is approximately 56.4% or \$96,782.

The proposed Amendment to Agreement provides for an additional \$48,318.45 as LFUCG's shared cost of relocating and/or adjusting poles located on private right of way as a result of increased labor costs. New total is \$145,100.45.

Funds are budgeted in:

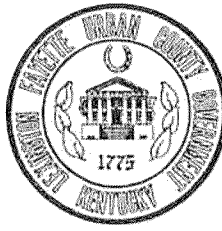
FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	LIBERTYTD 2000	2000	MS GRANT

Council authorization to execute the Amendment to Agreement is hereby requested.



Paula King, Director

XC: James M. Webb, Commissioner of Public Works



490-09

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

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

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

DATE: AUGUST 4, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT
WITH BERKLEY APPRAISAL COMPANY FOR APPRAISAL SERVICES
FOR CITATION BOULEVARD PHASE II— RFP-20-2009**

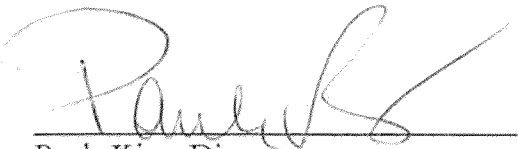
Request for Proposals 20-2009 was issued for purposes of selecting an appraisal firm to complete before and after reports on twenty-nine properties identified for acquisition in conjunction with the construction of Citation Boulevard Phase II, from Southern Railroad to Leestown Road. Four appraisal firms submitted proposals. A selection committee was convened in accordance with CAO Policy # 1 and selected Berkley Appraisal Company as best qualified in accordance with the selection criteria in the policy. The contract amount is \$50,550.

This is a federally funded project. The source of federal funds is SLX (Surface Transportation Lexington). All appraisals are to be prepared in conformance with the Kentucky Department of Transportation's Division of Right-of-Way and Utilities Appraisal Guidelines.

Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	CIT BLVD 2002	2002	FED GRANT

Council authorization to execute Agreement with Berkley Appraisal Company is hereby requested.



Paula King, Director

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



476-09


66

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council


From: Philip D. Overstreet
Associate Engineering Technician Principal 

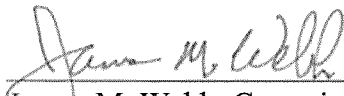
Date: July 20, 2009

Re: Resolution Authorizing Acceptance of Deeds of Easement
Project No: 527 – Beverly Ave. Sanitary Sewer Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds for permanent sanitary sewer easements and temporary construction easements from the owners of record on properties needed for the Beverly Ave. Sanitary Sewer Project. Cost not to exceed \$50,000.00.

Approved by:


Marwan Rayan, P.E.
Urban County Engineer


James M. Webb, Commissioner
Dept. of Public Works and Development

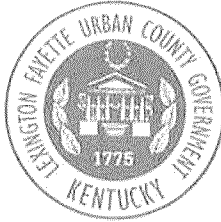
PDO:MR:JW

c: Robert Bayert, P.E.
Bill Bowie, P.E., L.S.
Barbara Sledd

Glenda George
Yvonne Stone
File

09.P527.406.bluesheetp1

HORSE CAPITAL OF THE WORLD



477-09


67

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council


From: Philip D. Overstreet
Associate Engineering Technician Principal 

Date: July 20, 2009

Re: Resolution Authorizing Acceptance of Deeds of Easement
Project No: 566 – Leesway Dr. Sanitary Sewer Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds for permanent sanitary sewer easements and temporary construction easements from the owners of record on properties needed for the Leesway Dr. Sanitary Sewer Project. Cost not to exceed \$5,000.00.

Approved by:



Marwan Rayan, P.E.
Urban County Engineer



James M. Webb, Commissioner
Dept. of Public Works and Development

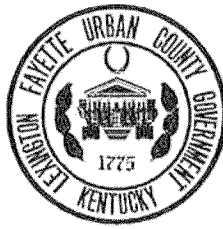
PDO:MR:JW

c: Robert Bayert, P.E.
Bill Bowie, P.E., L.S.
Barbara Sledd

Glenda George
Yvonne Stone
File

09.P566.406.bluesheetp1

HORSE CAPITAL OF THE WORLD



468-09

68

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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry and Urban County Council
FROM: Chris King, Director Division of Planning
DATE: July 17, 2009
RE: Assignment of Exaction Credits

Pursuant to Resolution 447-2006, the Urban County Government entered into an Expansion area Exaction Agreement with Providence Business Center LLC. Under the terms of this agreement, Providence Business Center LLC is to receive exaction credits for the construction of Providence Parkway in the estimated amount of \$1,421,940.

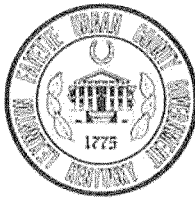
THE LFUCG has been approached by Fifth Third Bank, who is seeking to enter into an assignment of collateral agreement with Providence Business Center LLC. Under the terms of this agreement, a portion of the exaction credits are to be assigned to Fifth Third Bank as collateral for a letter of credit. Fifth Third is requesting LFUCG sign the agreement as LFUCG is the issuing party for the exaction credits.

The Division of Planning referred this request to the Department of Law, who determined that Council approval is necessary for LFUCG to sign the agreement.

There is no cost or risk to LFUCG, as the exaction credits will only be issued based upon actual performance of the work described in the agreement, and the use of the credits is limited by law (Zoning Ordinance Article 23-C) regardless of which party holds them.

C: Joe Kelly, Senior Advisor to the Mayor
Emily Meek, Fifth Third Bank
Providence Business Center LLC c/o Dennis R. Anderson
Exaction Credit Advisory Committee Members

H:\CDKWORK\EAMP\Eamp Coordination Committee\blusheetmemo-providence assignment.doc



486-09 69

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: July 21, 2009

RE: Partial Releases of Easements
3270 Richmond Road
Sand Lake & Estates Properties
105 Sand Lake Drive

This memo is to request a Resolution authorizing the Mayor to sign three (3) Partial Releases of Easements, releasing portions of sanitary sewer easements on property located at 3270 Richmond Road, Sand Lake & Estates Properties, Section 2, Lot 2, and Lot 1, 105 Sand Lake Drive.

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

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office

X:\Cases\ENGINEER\09-CC0138\COR\00221013.DOC



Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: _____
Anthony Wright
Mayor's Office of Economic Development

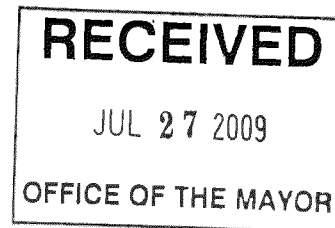
DATE: August 3, 2009

RE: IRB –The Lexington Christian Academy, Inc.

The Lexington Christian Academy (LCA) is requesting that the Lexington-Fayette Urban County Government issue Industrial Revenue bonds for the purpose of refunding outstanding revenue bonds previously issued by the Urban County Government for certain various capital projects and/or related items, primarily due to changes in market conditions. This bond issue is for refunding the outstanding revenue bond deal Series 2003 for LCA. New money will be spent on new locker room installation, kitchen improvements, and outdoor athletic facilities and parking lot lighting. LCA is requesting LFUCG to approve and issue bonds in an amount up to \$12,800,000 to refund the outstanding bond issues and to finance the new projects. There is not cost or liability to the Urban County Government.

The IRB met and reviewed the application on August 3, 2009. The Committee approved the application by unanimous vote.

cc: IRB Committee
David Barbarie, Law Department
Glenda George, Law Department
William O'Mara, Finance
Rebecca Langston, Council Office



July 24, 2009

VIA FEDERAL EXPRESS

Mayor Jim Newberry
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, Kentucky 40507

Re: Goodwill Industries of Kentucky, Inc.—
KEDFA Referral Resolution

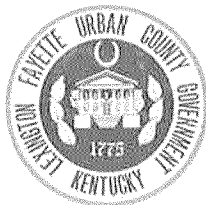
Dear Mayor Newberry:

Goodwill Industries of Kentucky, Inc. hereby applies to the Lexington-Fayette Urban County Government for a resolution requesting the Kentucky Economic Development Finance Authority to issue industrial building revenue bonds to finance the construction and equipping of a Goodwill Donation Center at 3130 Mapleleaf Drive, Lexington, Kentucky. The new Goodwill Donation Center will cost \$1,751,000 and create twelve new jobs. Further information regarding Goodwill and its project in Lexington is contained in the enclosed proposed resolution which Goodwill respectfully requests be docketed for consideration and adoption at the next regular meeting of the Lexington-Fayette Urban County Council on August 13, 2009.

As provided therein, the adoption of this resolution will not impose any liability upon the Urban County Government, and it will not in any way affect the Urban County Government's capacity to issue bonds or have any other adverse effect upon the Urban County Government.

I or one of my associates and a representative of Goodwill will attend the Urban County Council meeting and be available to answer questions and provide additional information.

Please contact the undersigned if you have any questions or require additional information prior to the Urban County Council meeting and to confirm that this matter will be considered at that meeting.



492-09

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Lexington-Fayette Urban County Government

Jim Newberry, Mayor

MEMORANDUM

To: Mayor Jim Newberry

Members of the Council

From:

Anna Hartje Butcher

Anna Hartje Butcher

Date: August 4, 2009

Subject: Ethics Commission

I respectfully request the Council approve an amendment to the Code of Ordinances Chapter 25 to replace the nominating organization named African Americans in Lexington Emerge (AALE) with the John Rowe Chapter of the National Bar Association.

The organization known as AALE has dissolved necessitating a replacement to the required nominating organizations listed in Chapter 25. The John Rowe Chapter of the National Bar Association is the Lexington chapter of the National Bar Association named in honor of the first practicing African American attorney in Lexington, Mr. John Rowe. This change to Chapter 25 would continue to ensure an engaged and committed group of nominees for appointment to the Ethics Commission. The other nominating groups required under Chapter 25 are the Greater Lexington Chamber of Commerce (Commerce Lexington), the League of Women Voters of Lexington, the Fayette County Bar Association, the Better Business Bureau, the Professional Women's Forum, and the Citizens for Ethical Government. Two members are chosen from the community at large.



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Lexington-Fayette Urban County Government

Jim Newberry, Mayor

MEMORANDUM

To: Mayor Jim Newberry
Members of the Council

From: Anna Hartje Butcher
Anna Hartje Butcher

Date: August 4, 2009

Subject: Stone Walls Appeal Board

I respectfully request the Council approve an amendment to Section 14-83(3) of the Code of Ordinances to provide that the members of the Stone Wall Appeals Board be composed of the members of the Board of Architectural Review (BOAR) serving ex-officio concurrently with their term on the BOAR.

In a review of the many city boards and commissions, it has been determined that this amendment would provide a greater level of expertise to the Stone Wall Appeals Board as the Board of Architectural Review maintains a closely aligned function. Furthermore, this change would enable the board to more efficiently and expeditiously handle appeals during regularly scheduled BOAR meetings, which are currently scheduled twice a month. To date, the Stone Wall Appeals Board has never met to review an appeal. However, retaining this board for any appeal that may arise would be in the best interest of the community.



Lexington-Fayette Urban County Government

Jim Newberry, Mayor

MEMORANDUM

To: Mayor Jim Newberry

Members of the Council

From:



Anna Hartje Butcher

Date: August 4, 2009

Subject: Industrial Revenue Bond Commission

I respectfully request the Council approve a change in the required membership of the Industrial Revenue Bond Commission. We request the one membership position from the Lexington Economic Development Commission be changed to a member from the community at large.

The Lexington Economic Development Commission was repealed by ordinance 227-89 and therefore has not been a viable organization from which a member may be selected. This information on the Lexington Economic Development Commission was presented to the Intergovernmental Committee of the Urban County Council in a memorandum dated March 6, 2008. Currently, the membership of the Industrial Revenue Bond Commission consists of nine (9) members: one member from the Urban County Council, one member from Lexington Economic Development Commission, one from the membership of the Lexington Chamber of Commerce, one from the membership of the Lexington Industrial Foundation and two from the Housing industry. Three members are without designation. The above change would increase the members without specific designation to four.

BUDGET & FINANCE COMMITTEE MEETING 7-7-2009 SUMMARY

All committee members were present except CM Myers. CM's Feigel and Martin attended as non-voting members. The meeting was called to order at 1:01 pm.

1. Update on Revenues FY2009 and Discussion- O'Mara/ Fister

Mr. O'Mara's presentation was distributed at the committee meeting, which covered preliminary numbers with a disclaimer. He talked about modified accrual basis for CAFR, revenue received in July for the June period, bank reconciliation adjustments, audit adjustments and preliminary numbers at time of year close. He showed preliminary monthly figures for June 2008 & 2009 and YTD. He said the insurance base is not growing, however franchise fees are increasing. He sees a softening of revenues, adding the recession is starting to take effect. He said unemployment rate is 7.7% and they are tracking foreclosures and other leading indicators.

Discussion:

Stinnett asked about a page of information in the budget. O'Mara covered the original numbers in the budget about withholding, net profit and insurance premiums.

Beard asked a question about 2008 numbers and insurance figures. O'Mara explained that is why all July payments are tracked, since they could actually be June payments. He said we look at "slow pay" payments. CM Beard asked if there might be a large sum due to be received. O'Mara talked about a one time accrual.

James asked how the housing market affects insurance premiums. O'Mara said if home prices are not going up, insurance isn't either. When asked about housing rehabilitation, he said that would have the opposite effect. He said insurance companies decide the base. He explained the number of building permits issued is not being used for analysis of insurance premium but rather to help gauge. James also wanted to know how the unemployment rate affected our revenues and how relevant is 7.7%. O'Mara responded it an economic indicator which tells us pressure is on the revenue forecast, adding he felt these trends are relevant.

Lane asked about taking the last quarter of last year and look at downturns. He said he would like to see a projection from the first half of the year straight out to FY10, looking for quarterly numbers. Lane asked for a comparison of the first 6 months of this fiscal year versus the first 6 months of last year.

Gray asked about reporting history of revenue numbers and what about urban service revenues. CM Stinnett said getting reports such as that was a goal of B&F Committee.

Henson was curious about the total of late payments and was told there was no analysis done on that. She asked O'Mara for information on late payments

whenever possible. He clarified late pay, slow pay and no pay and how it is handled revenue-wise. She asked if the projected withholding for FY10 was a little high.

Martin asked about increase total in 2009 and 2010 budgets. He said if revenues hold flat will we face \$13 million deficient? He urged discussion of a contingency plan. He requested O'Mara review during the council break and look at cutting operating expenses, programs, staffing. He added without a contingency plan we could be in serious jeopardy.

Beard asked about adjusted revenue. O'Mara replied LFUCG does not track, the insurance carrier does.

Stinnett noted we are not talking about expenditures today. He referred to a report the council received in the past, saying he was not sure of its name. He asked Mrs. Fister if it was possible to re-initiate receipt of that report for council members.

2. Division of Engineering New Development Section Audit - Sahli

Stinnett reminded the audit results are on-line and a summary is in today's committee packet before Mr. Sahli gave a brief overview.

Blues asked for an example or explanation of what was happening regarding inspections, documentation and requirements and what type of things, such as tools, etc. do inspections require. Sahli responded it depends on what type of inspection is required; sometimes a site inspection will suffice.

Gorton asked referring to the new development section, if some type of reorganization might help the issues addressed about oversight. Sahli went over recommendations about how to handle supervision. He said there is no process for tracking problems from beginning to resolution. She asked how and when corrective actions will be reported back to Internal Auditing. She asked Mike Webb, Commissioner of Public Works about best management practices. He said the section was not accurately recording information about meetings, some inspectors recorded more details than others and they needed a method to make all reports and information. He asked the committee if they had his recommendation in response to the audit. He covered items implemented since the audit, such as follow up, documentation and creating a standard for all inspectors to review issues the same.

James asked for a copy of the checklist asking Webb if best management practices can be incorporated. She referred to a two page check list and was told this was not the same check list used for inspections. She asked Webb if he had adequate staffing for certain aspects of the audit. Webb replied he could enlist a consultant or the environmental quality department to assist with staff training on inspections insuring EPA requirements. James asked about hiring a consultant in the next 6 months. Webb replied he would work with Cheryl Taylor, Commission Environmental Quality about training on issues such as water quality, etc. James asked about oversight of the engineering manual and standard operating procedures. Sahli said there are several manuals with no sign off on who reads them. . She asked about level of expertise in the engineering division, referring to third party consultations. Sahli felt this is a high priority item

and if LFUCG wants to assume responsibility. James asked Sahli to follow up on status of the audit recommendations in 6 months and report progress at a future Budget & Finance Committee meeting.

3. General List of Recommendations from Council Links – Recommendations Schedule II

Stinnett explained the procedure on how he would like to see link recommendations reported out. He suggested the chair of each link might bring them back to Budget & Finance Committee.

Martin asked for clarification on the procedure.

A motion by Lane to approve procedure outlined by Stinnett on how to bring status, progress of link recommendations back to either B&F Committee or Work Session seconded by Martin, passed without dissent.

4. Discussion of Fund Balance for Urban Services District Fund-Summary of Revenue & Appropriations

O'Mara told the committee they are preparing management reports that tie to CAFR which he hopes to have ready to report to council in August.

Gray said he would like part of those discussions to be about water management fee and what's the need for landfill and what makes up those services and any balances.

Gorton said citizens should know since their tax dollars are being paid and added she appreciated O'Mara working on urban services revenue.

James called for caution saying we have not upgraded waste management operations in a few years, citing need to make sure we have the equipment. She said it requires investment in order to get things done adding expenditures should be reviewed before changing anything.

Stinnett added saying we still do not know how much it cost to pick up Herbies, Rosies & Lennys and how much do we take from fund balance. He noted the urban service fund can only be used for what it is designated for. He said it is necessary to get details of fund balance generation. He said this issue would be part of the Budget & Finance Committee meeting in August.

Motion by Blues to adjourn, seconded by Beard, meeting adjourned at 2:36 pm.