URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
January 18-January 25, 2010

Monday, January 18

MLK Jr. Birthday Holiday-LFUCG Offices Closed

Tuesday, January 19

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

Committee of the Whole (COW) Meeting………….……………………………11:00 am
Council Chambers-2nd Floor Government Center

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

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

Wednesday, January 20

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

Thursday, January 21

No Meetings

Friday, January 22

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

Monday, January 25

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

January 19, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – None

III. Approval of Summary-Yes, January 12, 2010, pp. 4-10

IV. Budget Amendments – None

V. New Business, pp. 13-27

VI. Continuing Business / Presentations

A. Intergovernmental Committee, pp. 28-30

B. Corridors Commission, pp. 31-32

C. 2009 Annual Safety Awards
Mr. Patrick R. Johnston
Director, Division of Risk Management

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of Change Order No. 2 to Contract with Spectrum Contracting Services, Inc. Regarding the Gainesway Pond and Educational Trail Project. (FINAL) (033-10) (Martin/Taylor)
This request will authorize change order no. 2 to increase contract amount by $11,136.68 with Spectrum Contracting Services, Inc. for the Gainesway Pond and Education Trail project. Original contract amount was $828,520. Amount of previous change order was $29,148.37. Final contract amount is $868,805.05. Funds are budgeted.**pp.13-15**

B. Authorization of Change Order No. 1 to Contract with Garney Construction Regarding the North Elkhorn Force Main Project. (FINAL) (034-10) (Martin/Taylor)
This request will authorize change order no. 1 to increase contract amount by $316,910.38 with Garney Construction for the North Elkhorn Force Main project. Original contract amount was $11,451,451. Final contract amount is $11,768,361.38. Funds are budgeted.**pp.16-18**

C. Authorization of Amendment No. 1 to an Engineering Services Agreement with Sherman Carter Barnhart, PSC, Regarding the Anniston / Wickland Stormwater Project. (037-10) (Martin/Taylor)
This request will authorize amendment no. 1 to increase the engineering services agreement amount by $81,950 with Sherman Carter Barnhart, PSC, regarding the Anniston / Wickland Stormwater Improvement project. The increase is for the final routing of the storm sewer system and stormwater control areas, boundary surveys, geotechnical investigation of subsurface conditions, and for the preparation of the final design construction documents. The original agreement was approved by Resolution No. 75-2009 for $55,000. New agreement amount is $136,950. Funds are budgeted.**pp.19-21**

D. Authorization of Agreements with Nonprofit Organizations for Rural and Inner-City Roadways under the Adopt-A-Spot Roadway Cleanup Program – 2010. (035-10) (P. King/Webb)
This request will authorize agreements with nonprofit organizations for use of state funds in the amount of $19,477.02 from the Kentucky Pride Fund for litter cleanup of rural and inner-city roadways. Proposed agreements are with Christ United Methodist Church, BSA #220 for $1,304.12; Christ Centered Church, BSA #59 for $1,567.20; Immanuel Baptist Church, BSA #41 for $1,231.68; Rosemont Baptist Church, BSA #98 for $1,157.40; Beaumont Presbyterian BSA #279 for $1,038.28; Greater Faith Apostolic Church, BSA #238 for $1,103.60, First Alliance Church for $1,265.40 and Bluegrass Chapter Order of Demolay for $1,332.32 for rural roadways, and with Christian Youth Fellowship for $1,942.51, Phillips Memorial Church for $2,191.56, Brown & Brown Association for $772, Boy Scout Troop #103 for $298.85, Boy Scout Troop #13 for $1,992.32, Boy Scout Troop #186 for $273.95, Boy Scout Troop #382 for $448.27, Girl Scout

Troop #336 for $636.12, and Tates Creek Presbyterian Church Boy Scout Troop #226 for $921.44 for inner-city roadways under the Adopt-A-Spot Roadway Cleanup Program from January 1 – December 31, 2010.**p.22**

E. Authorization of Amendment No. 1 to the Professional Services Agreement with Berkley Appraisal Company Regarding the Citation Boulevard Phase II. (039-10) (P. King /Webb)
This request will authorize amendment no. 1 to increase the professional services agreement by $2,750 with Berkley Appraisal Company regarding the Citation Boulevard Phase II. The increase is for the appraisal of an additional parcel. The original agreement was approved by Resolution No. 561-2009 for $50,550. New agreement amount is $53,300. Funds are budgeted.**pp.23-24**

F. Authorization to Accept an Award Offered by the Kentucky Transportation Cabinet (KYTC) for the Design and Construction of the Isaac Murphy Memorial Garden. (040-10) (P. King /Webb)
This request will authorize the acceptance of state funds (contingent on appropriation by the Kentucky General Assembly) in the amount of $177,350 offered by KYTC for the design and construction of infrastructure improvements for the Isaac Murphy Memorial Garden located near Midland Avenue and Third Street. The garden will be used as a trailhead for the Legacy Trail. No matching funds are required.**p.25**

G. Authorization of a Lease Agreement with Rayna Ortwein (d/b/a Simply Love Studio, LLC) for Lease of Space at 128 North Broadway (a/k/a Broadway Shoppes). (036-10) (Baradaran/Cole)
This request will authorize a lease agreement with Rayna Ortwein (d/b/a Simply Love Studio, LLC) for lease of 1,078 square feet at a cost of $17.60 per square feet ($18,972.80) for the first 12 months at 128 North Broadway (a/k/a Broadway Shoppes). The lease is for sixty (60) months and includes one parking space in the Victorian Square garage.**p.26**

H. *Authorization for the Director of Parks and Recreation on Behalf of LFUCG to Apply for a Retail Beer License for Sell of Malt Beverages at the Kearney Hill Links and the Gay Brewer Jr. - Picadome Golf Courses. (038-10) (Hancock/Cole)
This request will authorize the appointment of the director of Parks and Recreation on behalf of LFUCG as the applicant to advertise the intent to apply for and obtain Retail Beer Licenses at an approximate cost of $290 for the sale of malt beverages at Kearney Hill Link and the Gay Brewer Jr. – Picadome golf courses clubhouses and from roving beverage carts. Parks will assume the food and beverage services as recommended by the Parks and Recreation Master Plan and the Management Audit. Funds are budgeted.**p.27 MP Audit Recommendation H63.**

*** MP Audit Recommendation**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

January 12, 2010

Mayor Newberry chaired today's work session meeting. All Council Members were present.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

A motion by CM Stinnett to place on the docket without a hearing, an ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 1.04 net (1.24 gross) acres, for property located at 1872 Plaudit Place, subject to certain use restrictions imposed as conditions of granting the zone change (Grover C Huff and Brenda Huff), seconded by CM Myers, passed without dissent.

A motion by CM Stinnett to place on the docket without a hearing an ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 7.35 net (7.60 gross) acres, for property located at 1810 Bryant Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Kaiten Patel), seconded by CM Ellinger, passed without dissent.

A motion by CM Gorton to approve the amended docket, seconded by CM Martin, passed without dissent.

III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary from December 8, 2009, seconded by CM McChord, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Beard to approve the budget amendments, seconded by CM McChord, passed without dissent.

V. New Business

A. Authorization of a Deed of Acceptance for Property Located at 414 Hays Boulevard as a Dedicated Greenway. (001-10) (Rayan/Webb)

B. Authorization of Change Order No. 1 to Contract with Myers Fence, LLC Regarding the Brighton East Rail Trail Project – Phase 1. (FINAL) (002-10) (P. King/Webb)

C. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Planning for the LexVan Rideshare Program. (003-10) (P. King/ Webb)

D. Authorization of Change Order No. 3 to Contract with MAC Construction & Excavating, Inc. for the Meadows / Northland / Arlington Public Improvements Project – Phase 3B. (FINAL) (010-10) (P. King/Webb)

E. Authorization to Create the *Keep Lexington Beautiful Commission* under Chapter 2, Article XI of the Code of Ordinances. (004-10) (Bush/Taylor)

F. Authorization to Accept an Award from the Kentucky Environmental and Public Protection Cabinet (EPPC) on Behalf of the Department of Environmental Quality, Divisions of Streets Roads & Forestry and Waste Management under the -- Control Program in Lexington-Fayette County – FY2010. (017-10) (P. King/Taylor)

G. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management. (025-10) (Allen/Taylor)

H. Authorization to Approve a Memorandum of Understanding (MOU) with Carnegie Center for Literacy and Learning on Behalf of the Department of Social Services, Division of Family Services. (005-10) (Helm)

I. Authorization to Submit a Grant Application the Bluegrass Community Foundation, Inc. and Accept the Award on Behalf of the Department of Social Services, Division of Family Services. (022-10) (Helm)

J. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Social Services, Division of Youth Services. (030-10) (Allen/Helm)

K. Authorization to Amend Section 21-5 of the Code of Ordinances in the Chief Information Office, Divisions of Enterprise Solutions and Computer Services. (006-10) (Allen/Dhuwaraha)

L. Authorization to Accept an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public, Division of Police Regarding the Police Mobile Data Computer Project. (009-10) (P. King/Bennett)

M. Authorization to Accept an Award from the Factory Mutual Insurance Company on Behalf of the Department of Public Safety, Division of Fire & Emergency Services – FY2010. (015-10) (P. King/Bennett)

N. Authorization to Accept an Award Offered by the Department of Military Affairs, Kentucky Division of Emergency Management (DEM) on Behalf of the Department of Public Safety, Division of Fire & Emergency Services under the Search & Rescue Grant Program – 2010. (019-10) (P. King/ Bennett)

O. Authorization to Accept an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public, Division of Police Regarding the Assessment of Critical Infrastructure in Fayette County. (021-10) (P. King/ Bennett)

P. Authorization to Accept and Acknowledge Donation Made by Mr. Raul F. Lagos to the Department of General Services, Division of Parks and Recreation. (007-10) (Hancock/Cole)

Q. Authorization of a Lease Agreement for Residential Property Located at 2075 Parkers Mill Road, Cardinal Run Park – North. (026-10) (Hancock/ Cole)

R. Authorization of Change Order No. 2 to Contract with Schaeffer Properties, LLC, Regarding the Coolavin Park Community Building Project. (008-10) (Hancock/Cole)

S. Authorization to Appoint the Commissioner of General Services (or Designee) Authority to Sign Utility Connect and Disconnect Agreements on Behalf of LFUCG. (011-10) (Baradaran/Cole)

T. Authorization of an Application for Special Connection Agreement, a New Tap Application and a Contract for New Service with Kentucky American Water (KAW) Regarding the Lyric Theatre. (012-10) (Baradaran/Cole)

U. Authorization of Commonwealth of Kentucky Lease Renewal Agreements for Space at 162 E Main Street. (013-10) (Baradaran/Cole)

V. Authorization to Submit Application to the Kentucky Division for Air Quality (DAQ) on Behalf of the Department of General Services, Division of Facilities and Fleet Management under the Kentucky Clean Diesel Grant Program. (018-10) (P. King/Rumpke)

W. Authorization of Amendment No. 1 to Agreement with Georgetown Street Area Neighborhood Association under the Neighborhood Action Match Program. (014-10) (P. King/Rumpke)

X. Authorization of Amendment No. 2 to Agreement with AIDS Volunteers, Inc. for use of HOME Investment Partnerships Funds for the Tenant Based Rental Assistance Project. (020-10) (P. King/Rumpke)

Y. Authorization of an Agreement for Occupational Wellness Administrator and Services with the Lexington Urgent Treatment Associates, PLLC (d/b/a) Urgent Treatment Clinics (UTC). (016-10) (Allen/Rumpke)

Z. Authorization to Advertise Positions in the Chief Information Officer, Division of Enterprise Solutions within the Urban County Government. (029-10) (Allen/Rumpke)

AA. Authorization to Amend Ordinance No. 260-2009 Regarding the Schedule of Meetings for the Council for Calendar Year 2010. (023-10) (Langston)

BB. Authorization of a Purchase of Service Agreement (PSA) with the Downtown Lexington Corporation. (027-10) (Wright/Kelly)

CC. Authorization of a Purchase of Service Agreement (PSA) with the Kentucky World Trade Center Lexington, Inc. (028-10) (Wright/Kelly)

DD. Authorization of an Ordinance to Amend Chapter 12 of the Code of Ordinances Regarding Housing and Nuisance Violations. (031-10) (Askew)

EE. Authorization of an Affiliation Agreement with State University of New York on Behalf of the Department of Public Safety, Division of Police. (032-10) (Bastin/Bennett)

<u>A motion by CM Gorton to approve new business items B-EE, seconded by CM Beard, passed without dissent.</u>

VI. Continuing Business / Presentations-Yes

A. Budget & Finance Committee Report

This report was given by Chair CM Stinnett. No motions came forward.

B. Lyric Theatre Monthly Report

This report was placed in the packet for informational purposes only.

C. Economic Outlook Presentation

This presentation was done by Mr. Kenneth R. Troske, William B. Sturgill Professor of Economic UK Director, Center for Business & Economic Research. Several CMs asked questions and made comments.

VII. Council Report

CM Beard-A motion by CM Beard to approve the NDF list for 1/12/10, seconded by CM Ellinger, passed without dissent.

A motion by CM Marin to add to the NDF list: Beaumont Residential Assoc $500 and Southland Assoc $1000, seconded by CM Gorton, passed without dissent.

CM James-Thanked Mayor for the participating in the virtual tour of her district; announced that tonight at 7 pm, there will be an MLK NA meeting at the Living Arts & Science building; announced the tree board meets tomorrow at 10:30 am in the 5th floor conference room; on Monday there will be MLK Holiday events-march, downtown celebration, etc. for more information on these events and details about service day, please call her office at 258-3205; asked if she could hear from CIO Rama Dhuwaraha on Tuesday about items K and Z, before they receive second reading; asked the if it was possible for Council to do something in support of Amanda's Bill-it was decided that a letter signed by CMs would be faxed to Frankfort.

CM Lawless-Announced the Historic South Hill NA meeting tonight at 6:30 pm; stated that there will be many service projects available for people to participate in on MLK Holiday.

CM Myers-Asked Sam Williams, Dir. Streets, Roads, & Forestry, to come forward to answer questions about the snow removal plan.

A motion by CM Myers to place the snow removal plan into the Services Committee, seconded by CM McChord, passed without dissent.

A motion by CM Myers to place the Library Budget into the Budget & Finance Committee, seconded by CM McChord, passed without dissent.

CM Blues-Announced the Meadowthorpe NA meeting tonight at 7 pm in the park.

CM Henson-Asked a question of Dir. Sam Williams about snow removal; congratulated and welcomed the fire recruit class that will be graduating on this Friday.

A motion by CM Henson to place the review of the leaf collection plan into the Services Committee, seconded by CM Crosbie, passed without dissent.

CM McChord-A motion by CM McChord to place a 4-way stop at the intersection of Clemens Dr and Twain Ridge Dr, seconded by CM Myers, passed without dissent.

CM Crosbie-Stated that the budget reduction plan discussion was left open and would like Council to decide when it will be done-it was decided to be a part of the COW on 1/19/10 at 11 am in Council Chambers; asked about the timeline of the reduction plan-stated that it should have been given to Council sooner than it was; she will be placing in the CMs mailbox an article from Louisville about a house fire in which 2 children died.

A motion by CM Crosbie to discuss the Mayor's budget reduction plan at the COW on 1/19/10 (with a friendly amendment from CM Lawless requesting more information from the administration prior to this long weekend), seconded by CM Ellinger, passed without dissent.

CM Martin-Stated that he appreciated Streets and Roads for their work on the snowy streets; asked Dir. Sam Williams about the school snow routes; announced the Beaumont NA meeting tonight at 6:30 pm at the clubhouse; announced a public meeting at Oleika Shrine at 7 pm on 1/19/10 to discuss proposed redevelopment of Turfland Mall-owners and LFUCG Planning employees will be on hand; stated that he has been receiving calls about asphalt-asked for presentation on the streets to be paved; Dir. Williams said the paving list will be available in a couple of days; Comm Webb will get with Arty to get a date for the presentation.

VIII. Mayor's Report-Yes

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

It was decided that the Police Disciplinary Hearing would be rescheduled to Monday March 22, 2010 at 3 pm in the Council Chambers.

A motion by CM Lane to approve having a Special Council Meeting- Police Disciplinary Hearing on Monday March 22, 2010 at 3 pm in the Council Chambers, seconded by CM Gorton, passed without dissent.

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

A motion by CM Beard to adjourn, seconded by CM Blues passed without dissent.

Work session was adjourned at 5:00 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

January 19, 2010 Work Session

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

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST		
040-10	BA 2658	Community Development	To establish grant budget for the Isaac Murphy Memorial Garden grant.		
F				3400	177,350
				3400	177,350CR
					0*

EFFECT ON FUND BALANCES

FUND 3400	**0***	**NO EFFECT ON:**	**GRANTS - STATE**

Budget Information For New Business Items
January 19, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	033-10	11,136.68	2512	2003 Bond Projects
B	034-10	316,910.38	4003	Sanitary Sewer Construction Fund
C	037-10	81,950	2522	Public Works Bond Fund
D	035-10	19,477.02	3400	Grants – State
E	039-10	2,750	3160	US Department of Transportation
F	040-10	177,350	3400	Grants – State Budget Journal
G	036-10	(6,324.28)	1101	General Fund District Fund
H	038-10	Approx 290	1101	General Fund District Fund

033-10 13

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

To: Mayor Jim Newberry
Urban County Council

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

Date: November 20, 2009

Subject: Change Order #2 for the Gainesway Pond and Educational Trail Project (FINAL)

The Division of Water Quality requests approval of Change Order #2 with Spectrum Construction Services for the Gainesway Pond and Educational Trail Project. The original amount of this project was $828,520.00. Change Order #2 is for $11,136.68. Change Order #2 along with previously approved Change Order #1 gives a revised total contract amount of $868,805.05. The sum of both Change Orders amounts to 5% of the original contract amount.

Description of Change Order

1. Additional wages (12/01/08 thru 03/31/09). State rates were specified. Federal rates are required.
   Add $3,423.17
2. Additional depth of caissons required for suitable bearing.
   Add $3,210.00
3. Additional tons of cut stone for Amphitheater seating, plunge pool, steps and inlets
   Add $6,169.52
4. Re-grade 3 swales then furnish, install, and maintain sod.
   Add $3,635.00
5. Fewer LF of walks and paths then estimated.
   Deduct ($1,832.01).
6. Delete 1 year plant maintenance.
   Deduct ($3,469.00).

Total Cost of Change Order #2: $11,136.68

033-10

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Change Order

Change Order No. 2
Contract #432-2008
Gainesway Pond and Educational Trail Project
Lexington Fayette-Urban County Government
Division of Water Quality

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

Contractor: Spectrum Contracting Services, Inc.
108 Haven Drive
Nicholasville KY, 40356

SUMMARY OF INFORMATION

Date of Change Order:	**November 20, 2009**
Date of Contract:	**July 7, 2008**
Date of Notice to Proceed:	**July, 2008**
Date of Contract Completion:	**May 31, 2009**
Change in Contract Time (Calendar Days):	**0**
Original Contract Amount:	**$828,520.00**
Previous Change Order Total:	**$29,148.37**
Current Contract Amount:	**$857,668.37**
Change Order # 2 Amount:	**$11,136.68**
New Contract Amount Including Change Orders:	**$868,805.05**
Percent of Change from Original Contract Amount:	**5%**

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

CONTRACT HISTORY FORM

Contractor: **Spectrum Contracting Services, Inc.**

Project Name: **Gainesway Pond and Educational Trail Project**

Contract Number and Date: **#432-2008**

Responsible LFUCG Division: **Division of Water Quality**

CHANGE ORDER DETAILS

Summary of previous Change Orders to Date	**Dollar Amount**
A. Original Contract Amount:	**$828,520.00**
B. Cumulative Amount of Previous Change Orders:	**$29,148.37**
C. Total Contract Amount Prior to this Change Order:	**$857,668.37**
Current Change Order	
D. Amount of this Change Order:	**$11,136.68**
E. New Contract Amount Including this Change Order:	**$868,805.05**

SIGNATURE LINES

Project Manager: ______

Reviewed By: ______

Division Director: ______ 1-5-10

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

To: Mayor Jim Newberry
Urban County Council

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

Date: January 4, 2010

Subject: Change Order # 1 for the North Elkhorn Force Main Project (FINAL)

The Division of Water Quality requests approval of Change Order #1 with Garney Construction for the North Elkhorn Force Main Project. The original amount of this project was $11,451,451.00. Change Order #1 is for $316,910.38. Change Order #1 gives a revised total contract amount of $11,768,361.38. The sum of this Change Orders amounts to 3% of the original contract amount.

Description of Change Order

1. Adjustment of line item quantities from estimated to actual.
   Add $4,999.40
2. Additional 42" bore and jack at West Main Street.
   Add $140,154.78
3. Additional mobilization of trenching machine.
   Add $7,500.00
4. Additional (10 LF) of 50" casing pipe at Forbes Rd.
   Add $5,500.00
5. Additional asphalt for level and wedge on Old Paris Road.
   Add $36,742.50
6. Additional manhole base (1 ea.) to replace existing manhole
   Add $556.51
7. Share in cost to re-mill and re-pave Old Paris Road.
   Add $35,000.00
8. Additional cost to go under 54" storm sewer.
   Add $41,155.28
9. Additional level, wedge and milling of paved areas other than Old Paris Road.
   Add $18,837.00
10. Delete slide gate at treatment plant.
    Deduct ($4,285.00)
11. Additional materials left for DOWQ.
    Add $30,749.91

Total Cost of Change Order #1: $ 316,910.38

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Change Order

Change Order No.1
North Elkhorn Force Main Project
Lexington Fayette-Urban County Government
Division of Water Quality

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

Contractor: Garney Construction
1333 Northwest Vivion Road
Kansas City, MO 64188

SUMMARY OF INFORMATION

Date of Change Order:	**January 4, 2009**
Date of Contract:	**June 9, 2008**
Date of Notice to Proceed:	**June 19, 2008**
Date of Contract Completion:	**October 11, 2009**
Change in Contract Time (Calendar Days):	**0**
Original Contract Amount:	**$11,451,451.00**
Previous Change Order Total:	**$0**
Current Contract Amount:	**$11,451,451.00**
Change Order # 1 Amount:	**$316,910.38**
New Contract Amount Including Change Orders:	**$11,768,361.38**
Percent of Change From Original Contract Amount:	**3%**

034-10

18

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

CONTRACT HISTORY FORM

Contractor: Garney Companies, Inc

Project Name: NORTH ELKHORN FORCE MAIN

Contract Number and Date: # 930 06/09/2009

Responsible LFUCG Division: Division of Water Quality

CHANGE ORDER DETAILS

Summary of previous Change Orders to Date	**Dollar Amount**
A. Original Contract Amount:	**$11,451,451.00**
B. Cumulative Amount of Previous Change Orders:	**$0**
C. Total Contract Amount Prior to this Change Order:	**$11,451,451.00**
Current Change Order	
D. Amount of this Change Order:	**$316,910.38**
E. New Contract Amount Including this Change Order:	**$11,768,361.38**

SIGNATURE LINES

Project Manager: [signature]

Reviewed By:

Division Director: [signature] 1-5-10

037-10 19

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

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

Date: January 7, 2010

RE: Engineering Services Agreement Amendment- Anniston/ Wickland Stormwater Project

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With this memorandum is an amendment to the Engineering Services Agreement between the Lexington-Fayette Urban County Government and Sherman Carter Barnhart, PSC for engineering design services to be provided for the Anniston/ Wickland Stormwater Improvement Project.

Resolution 75-2009 authorized the Engineering Services Agreement with Sherman Carter Barnhart, PSC for preliminary design services. The cover memo with the original agreement discussed amendment of that agreement for preparation of final design documents.

The amount of this amendment is $81,950.00 (eighty one thousand nine hundred fifty and 00/100) dollars. A contract history form is attached.

Accounting Information: 2522-303204-3334-92211

Approved by:

Charles Martin, P.E.
Director of Water Quality

Cheryl Taylor
Commissioner of Environmental Quality

C: Cassie Felty
File

RESOLUTION NO. 75 - 2009

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH SHERMAN CARTER BARNHART, PSC, FOR THE ANNISTON/WICKLAND STORMWATER IMPROVEMENT PROJECT, AT A COST NOT TO EXCEED $55,000.00.

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, be and hereby is authorized and directed to execute an Engineering Services Agreement, which is attached hereto and incorporated herein by reference, with Sherman Carter Barnhart, PSC, for the Anniston/Wickland Stormwater Improvement Project.

Section 2 - That an amount, not to exceed the sum of $55,000.00, be and hereby is approved for payment to Sherman Carter Barnhart, PSC, from account # 1140-303204-71205, pursuant to the terms of the Agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 12, 2009

Jim Newberry
MAYOR

ATTEST:

Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: February 19, 2009-1t

EWG:X:\Cases\WATER-AIR\09-LE0055\LEG\00198101.DOC

037-10

CONTRACT HISTORY FORM

Contractor: Sherman, Carter, Barnhart PSC

Project Name: Anniston/ Wickland Stormwater Capital Improvement Project

Contract Number and Date 23-2009 February 12, 2009

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Percent Change to Dollar Amount	Original Contract
A. Original Contract Amount:	$55,000.00	
B. Cumulative Amount of Previous Change Orders:	$0.00	0% *(Line B / Line A)*
C. Total Contract Amount Prior to this Change Order:	$55,000.00	
Current Change Order		
D. Amount of This Change Order:	$81,950.00	149% *(Line D / Line A)*
E. New Contract Amount Including this Change Order :	$136,950.00	249% *(Line E / Line A)*

SIGNATURE LINES

Project Manager: [signature] **Date:** 1/7/10

Reviewed by: [signature] **Date:** 1/7/2010

Division Director: [signature] **Date:** 1-10-10

035-10 22

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: **DECEMBER 28, 2009**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENTS WITH VARIOUS NONPROFIT ORGANIZATIONS FOR PARTICIPATION IN THE ADOPT-A-SPOT ROADWAY CLEANUP PROGRAM—FY 2010**

The Lexington-Fayette Urban County Government is a recipient of state funds from the Kentucky Pride Fund providing for litter cleanups on Fayette County roadways. The LFUCG Department of Public Works uses a portion of these funds to support the Adopt-a-Spot program. The Adopt-a-Spot program includes the participation of non-profit organizations who conduct litter pickups on designated roadways four times per year. This program, modeled after a successful state adopt-a-spot program, was implemented several years ago in response to a request from citizens who voiced a need for litter pick-up on public roadways. The dollar amounts are based upon mileage and difficulty.

Agreements are proposed with the following organizations that will conduct clean-ups on rural roadways: Christ United Methodist Church, BSA #220 ($1,304.12); Christ Centered Church, BSA #59 ($1,567.20); Immanuel Baptist Church, BSA #41 ($1,231.68); Rosemont Baptist Church, BSA #98 ($1,157.40); Beaumont Presbyterian, BSA #279 ($1,038.28); Greater Faith Apostolic Church, BSA #238 ($1,103.60); First Alliance Church ($1,265.40); and Bluegrass Chapter Order of Demolay ($1,332.32).

Agreements are proposed with the following organizations that will conduct clean-ups on inner city roadways: Christian Youth Fellowship ($1,942.51); Phillips Memorial Church ($2,191.56); Brown & Brown Assoc. ($772.00); Boy Scout Troop #103 ($298.85); Boy Scout Troop #13 ($1,992.32); Boy Scout Troop #186 ($273.95); Boy Scout Troop #382 ($448.27); Girl Scout Troop #336 ($636.12), and Tates Creek Presbyterian Church BS Troop 226 ($921.44).

Funds for these activities for the period of January 1, 2010 through December 31, 2010, in the amount of $20,000 are in process of being budgeted as follows:

FUND	DEPT ID	Section	ACCT	PROJECT/GRANT	BUD REF	ACTIVITY
3400	303301	0001	71299	KYPRIDE_2010	2010	STA_GRANT

Council authorization to execute agreements with various nonprofit organizations is hereby requested.

Paula King, Director

Xc: James M. Webb, Commissioner of Department of Public works

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: JANUARY 12, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BERKLEY APPRAISAL COMPANY FOR APPRAISAL SERVICES FOR CITATION BOULEVARD PHASE II

On August 27, 2009 (Resolution No. 561-2009), Council approved execution of the Professional Services Agreement with Berkley Appraisal Company for appraisal services for citation Boulevard Phase II, in the amount of $50,550. An Amendment to this agreement has been negotiated providing for the appraisal of one additional parcel and to change the type of appraisal needed for two parcels. This Amendment increases the amount of agreement by $2,750 to a new total of $53,300.

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 Amendment to Professional Services Agreement with Berkley Appraisal Company is hereby requested.

Paula King, Director

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

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

LEXINGTON FAYETTER URBAN COUNTY GOVERNMENT
AND
BERKLEY APPRAISAL COMPANY
AGREEMENT DATED AUGUST 31, 2009
(RESOLUTION 561-2009)

CITATION BOULEVARD PHASE 2 APPRAISALS
PROJECT NO. 07-226.01

THE AGREEMENT, made and entered into by and between the Lexington Fayette Urban County Government, hereinafter called **OWNER**, Party of the First Part, and Berkley Appraisal Company, hereinafter called **CONSULTANT**, Party of the Second Part, approved by the Urban County Council on August 27, 2009, Resolution No. 561-2009 is hereby being amended as follows:

1. Revise Appraisers Fee on Parcel 23 shown in the fee schedule breakdown included in EXHIBIT "C", FEE SCHEDULE, from $1,750 to $2,250.
2. Revise Appraisers Fee on Parcel 121 shown in the fee schedule breakdown included in EXHIBIT "C", FEE SCHEDULE, from $1,500 to $2,000.
3. Revise Appraisers Fee on Parcel 132 shown in the fee schedule breakdown included in EXHIBIT "C", FEE SCHEDULE, from $0 to $1,750.
4. Revise Section 5.1, paragraph 1 to read as follows;

   OWNER shall pay CONSULTANT for Basic Services rendered as lump sum fee not exceeding $53,300 as outlined in the fee schedule breakdown included in Exhibit "C" – Fee Schedule.

All other terms of the **AGREEMENT** are to remain as stated.

IN WITNESS WHEROF, the parties have executed this agreement by their duly authorized officers and was approved by the Urban County Council by Resolution No. __________, dated __________.

This the ___________ day of ________________, 2010.

Berkley Appraisal Company

BY: ______________________

TITLE: President

Lexington Fayette Urban County Government

BY: ______________________

Mayor Jim Newberry

040-10 25

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

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

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

DATE: **JANUARY 12, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF STATE FUNDS FROM THE KENTUCKY TRANSPORTATION CABINET FOR DESIGN AND CONSTRUCTION OF ISAAC MURPHY MEMORIAL GARDEN**

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government funding in the amount of $177,350 in state funds for the construction of infrastructure improvements for the Isaac Murphy Memorial Garden near Midland Avenue and Third Street. The project may include design, pavement demolition, utility relocation, new concrete curb, gutter, and sidewalks, and new brick paving. The park is planned to be a trailhead for the Legacy Trail and provide enhancements during the 2010 FEI-Alltech World Equestrian Games. Funding is contingent upon availability of appropriated funding by the Kentucky General Assembly. No matching funds are required.

Council authorization to accept the award and to approve the execution of the agreement with the Kentucky Transportation Cabinet is hereby requested.

Paula King

Paula King, Director

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

036-10

26

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Kimra Cole
General Services Commissioner

DATE: January 7, 2010

RE: Lease Agreement

I am requesting Urban County Council approval to enter into a lease agreement with Rayna Ortwein, dba Simply Love Studio, LLC, for the space located at 128 North Broadway Street, aka the Broadway Shoppes. Three spaces were originally combined for the former occupant, Adult Tenant Services. This lease encompasses a partial occupancy of the original Adult Tenant Services space (1,078 sq. ft) and building fit-up will be required to make the space usable by the new Tenant. A wedding planning studio will be operated at the location and fit-up will be completed by LFUCG with some shared material and hardware expense. Fit-up responsibility for each party is outlined as an Exhibit in the lease agreement. This agreement will be for a period of sixty (60) months and expire on February 28, 2015.

LFUCG will receive an initial rate of $17.60 per square foot for use of this space, or, $18,972.80 for the first 12 months. During the second 12 months of this Lease and each successive 12 month period thereafter, the rental rate shall be adjusted upward 2% over the previous 12 month period with the exception of the final 12-month period where a 2 ½% rate increase shall apply. Annual rate increases and monthly payments are defined as an Exhibit in the lease agreement. The lease includes one (1) parking space @ no cost to the Tenant in the Victorian Square parking garage. In addition, this agreement also contains a penalty clause for early termination by the tenant.

*038-10

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

To:	Mayor Jim Newberry
	Urban County Council Members
From:	Jerry Hancock, Director of Parks and Recreation J E Hancock
Subj:	Permission to apply for Retail Beer License at Kearney and Picadome Golf Courses
Date:	January 13, 2009

LFUCG Ordinance 313-2000 allows for the sale and consumption of alcohol at Kearney Hill and the Gay Brewer Jr., Golf Course at Picadome, through both a club house food service and via a roving beverage cart in good weather. This has been a successful and safely managed amenity for our golfing customers for ten years. During that time, we have used alcohol-licensed caterers to provide the food and beverage service for our customers, selected through an open bid process. The current contract for food and beverage service has expired, and the contractor has relinquished their possession of the premises. Recently, the Parks and Recreation Master Plan recommended that Parks take the beer service in-house which was also part of the Management Audit's recommendation to fully recover the costs of operating the golf courses. Recouping all the profits of the beer sales are a part of this effort.

Parks intends to manage the food and beverage service at these two courses, where we can provide a more consistent service, especially in the questionable weather months where business is variable, and where our contract caterers have struggled with scheduling and cash flow. Our customers need to have an assurance that F&B will be available to them when they come to the course. The Law Department and the Kentucky Alcoholic Beverage Control agree that the government can hold a Retail Beer License and have recommended that the Director of the Division of Parks and Recreation be identified as the applicant. The application requires us to advertise our intention to apply for a license and obtain the approval of the local ABC Administrator which is managed within the LFUCG Division of Police.

Modest expenses of about $290 per course are expected, which Parks will pay for from its operating expense accounts(1101 707601 7211 75101). We are requesting the Urban County Council authorize the Director of Parks and Recreation to apply for a malt beverage license for Kearney Hill Links Golf Course, and the Gay Brewer Jr., Golf Course at Picadome on behalf of the government.

Please do not hesitate to call me if you have any questions.

INTERGOVERMENTAL COMMITTEE SUMMARY
JANUARY 12, 2010

All committee members were present, with Stinnett attending as a non-voting member.

1. E 911 Call Center Management- Lawless

James asked Lawless to brief the committee on this issue. Lawless explained due to a shortage of E911 operators vacation time accrued and carried over by some staff may be forfeited. She said this has been an issue for the last four years.

David Lucas, E911 Director was asked to cover information included in the committee packet. He showed number of calls, response time, a list of 11 employees and the amount of vacation time subject to be forfeited. He covered national standards for answering calls, percentages and complaints and information regarding ways other communities handle this matter, adding staffing E911 is a stressful job. He showed the divisions of E911 leave hour usage and vacation leave extension, figures ranged from 4 to 11 weeks of time to be used 2010. He said most are management positions. He said national average for turn over in 911 operators is higher than nurses, teachers, etc. He showed a graph of staffing levels for the last few years.

Discussion:

Feigel said on one hand she felt this was personnel issue and was not sure why the committee is looking at this. She asked if the hiring freeze would affect staffing of E911. Lucas talked about using a temporary agency, saying the service worked well.
The concern was this was not a permanent solution and if there was training programs for operators. Lucas responded, no there is not

Lawless asked about pay scale, Lucas said it starts at $13.95 per hr. There was also discussion on requirements for operators. Lawless asked about difficulty in filling positions and recruiting. Lucas explained the divisions recruiting efforts.

Henson asked about turnover rate compared to other 911 operations. Lucas said the national average is 19% and he has done comparisons with Louisville. There was discussion regarding reasons for leaving the position. He said the maximum staffing level is 75, they are currently at 61. He explained job duties and how promotions from entry level, call-taker, and dispatcher can occur. Henson referred to staffing with a temporary agency, saying she is concerned about reputation of our police dept. and since 911 is the first line of that communication; staffing levels need to be taken seriously.

Beard asked how many lines 911 has, and how calls are tracked. Lucas explained the process.

Crosbie asked how the responder answers the phone, what do they say? Lucas explained how different types of calls are received and answered such as fire, police etc. She noted callers don't always know they are not talking to a police or an actual sworn officer. There is a misconception. Lucas said it's sometimes confusing yet, the Chiefs' request it this way. She asked Lucas to notify council members of the next E911 board meeting.

Stinnett asked how calls are prioritized and if staff is trained on how to prioritize. Lucas explained criteria. He asked about training updates and if complaint levels are up or down. Lucas estimated the handle approximately 30 per year. Stinnett asked how discipline and dismissals are handled. He wanted to know if fire and police call are kept separate. Lucas talked about need for radio upgrade in order to accomplish that.

Blues questioned the call taker's role. Lucas said activity level is either very busy or very slow. He said call takers, and dispatcher's role is to explain response times, situations, etc.

James said many of today's questions are not the issue at hand. The discussion of customer service, job duties etc are not related to the issue to be looked at today. She reminded the committee about staying focused on topic, but since there was time she would entertain discussion.

Gray asked about attrition, structure of organization and ratio of supervisors to call takers confirming ratio is approximately 12 to 1. James added for clarification, there are 11 supervisor spots, some still to be filled. Gray noted these are types of questions responsible management should be asking. He wanted to know if stress levels among staff are being managed internally. He asked the committee where as a body we go from here. He suggested Lucas meet with Commissioner Bennett to review outcomes of today's proceedings.

Lawless stated she has expertise in the areas of training and burnout having managed a rape crisis center. She said stress is associated when a call taker never knows outcome of call. She suggested support to crisis line workers by providing feedback, team building, saying a survey and management evaluation might be helpful.

Crosbie talked about training and promotions for call takers, and going from entry level to supervisor.

James summarized items discussed such as temporary labor and how its budgeted Lucas said this is second fiscal year we've used a temp. agency. She asked the number of positions to be filled and considering the current economy, the

possibility of filling them all, asking once a job is posted how long before its filled?
She wanted to know how many call takers are available to answer calls. Lucas said the standard number is three and is set by E911 standards. When asked about funding Lucas explained E911 is funded by three sources. James asked if shift choices are instrumental. Lucas stated, yes, second shift is not popular. Lucas explained the ordinance and how it handles paid holiday time.

Gray talked about next action steps, asking Lucas what this meeting has contributed, adding he would like to see some type of report back to the committee.

Feigel asked if you lost two staff people tomorrow what would you do, wouldn't this put you below required staffing?

Lucas explained E911's back up plan for coverage, adding this is what contributes to the excess time staffers have accrued.

Lawless said she would be happy to consult with E911 on methods to aid staffing and management issues.

James asked Lucas to let either Paul Schoninger, or her know when he's ready to address the committee further on issues discussed today.

2. Update on Committee Items:

   A question was raised regarding status on UK smoke free ban. Lawless said she is hoping for information to bring to the committee next month.

   A motion by Beard to remove proposed new compensation system from the committee referral list, seconded by Blues with the provision that Gorton (who referred the item) is in agreement. Motion passed without dissent.

   A motion to adjourn the meeting at 2:17 pm, passed without dissent.

Corridors Commission Meeting
Executive Summary
January 12, 2010

Voting Members Attending: 5th District Councilmember Cheryl Feigel, Chair; Councilmember Tom Blues, 2nd District; Councilmember Julian Beard, 4th District; Councilmember Doug Martin, 10th District; David Stevens; Karen Angelucci, Tree Board; Dorotha Oatts, Federation of Garden Clubs; Darcy Everett, Bluegrass PRIDE; Jarrod Stanley, Kentucky Transportation Cabinet

Non Voting Members Attending: Kenzie Gleason, Division of Planning; Rob Hammons, Division of Planning/MPO; Kevin Wente, Department of Public Works; Susan Bush, Department of Environmental Quality; Tracey Thurman, Department of General Services; Bob Carpenter, Division of Building Inspection; Tim Queary, Division of Streets, Roads & Forestry

Others Attending: Morgan McIlwain, M2D Design; Mark Yanik, M2D Design; Jonathan Perkins, M2D Design; Jamie Bloyd, Council Office; Shannon Settles, Council Office; Mike Sanner, Department of Law; Paul Schoninger, Council Office

Summary minutes from the November 17, 2009 meeting were presented.

There was discussion on a proposed Richmond Road Creek clean up project not appearing on the agenda. The subject will be discussed at the February meeting.

Minutes were approved, motion by Stevens, second by Oats.

<u>On a motion by Martin, second Stevens, the Commission recommended that its budget be reduced by $ 4500 as part of the Lexington-Fayette general fund reduction plan and report such recommendation to the Urban County Council.</u>

After discussion the Commission requested that a draft expenditure budget be prepared for Commission discussion prior to the February 9 meeting.

There was a spirited discussion about the draft "landscape specifications' used for Corridors beautification projects. This discussion will continue at the February Commission meeting.

The Commission was updated on three (3) Transportation Enhancement Grants Versailles Rd, Newtown OP8ike and the Old Frankfort/Alexandria Dr stone fence Restoration projects.

Tim Queary, Urban Forester reported on tree removal and planting at the Bluegrass Airport.

He also reported on plans to eradicate the ashe bore and discussed cost estimates for treating trees planted by the Corridors Commission.

The Commission received a report on bicycle/pedestrian activities from Kenzie Gleason. The Commission also received heard a report about litter control and reduction from Susan Bush, in the Department of Environmental Quality.

The Commission heard a report on beautification of New Circle Road intersections from Kevin Wente, Department of Public Works. On a related subject the Commission heard a proposal from Jamie Bloyd, of the Urban County to start a wildflower pilot project at a New Circle Rd interchange.

The next meeting of the Corridors Commission is February 9.

Pas 01.13.2010